



DEBATES  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY  
FIFTH ASSEMBLY  
WEEKLY HANSARD

12 FEBRUARY

2004

## Thursday, 12 February 2004

The Assembly met at 10.30 am .....	263
Petition.....	263
Karralika facility.....	263
Annual Reports Legislation Amendment Bill 2004 .....	263
Occupational Health and Safety Amendment Bill 2004 .....	264
Community Services and Social Equity—Standing Committee .....	267
Proposed reference .....	267
Community Services and Social Equity—Standing Committee .....	285
Statement by chair .....	285
Education—Standing Committee .....	285
Statement by chair .....	285
Legal Affairs—Standing Committee.....	286
Report .....	286
Planning and Environment—Standing Committee .....	286
Membership.....	286
Report 24 .....	286
Discharge of orders of the day.....	287
Suspension of standing and temporary orders.....	288
Public Accounts—Standing Committee.....	289
Reference.....	289
Rates Bill 2003 .....	289
Land Tax Bill 2003.....	295
Sitting suspended from 12.25 to 2.30 pm.....	295
Questions without notice .....	295
Bushfires—insurance for firefighters .....	295
Ministerial responsibility .....	296
Carers policy.....	296
Ministerial responsibility .....	297
Child protection .....	297
Child protection .....	299
Ambulance officer—recruitment.....	300
Kaleen horse paddocks .....	301
Pharmacies—establishment in supermarkets .....	302
Draft water strategy .....	303
Tourism.....	304
Supplementary answers to questions without notice.....	306
Child protection .....	306
Kaleen horse paddocks .....	306
Bushfires—insurance for firefighters .....	307
Ministerial responsibility .....	307
Child protection .....	307
Answer to question on notice .....	307
Question No 1180.....	307
Ministerial code of conduct .....	308
Paper and statement by minister.....	308
Public Accounts—Standing Committee.....	309
Report 6—government response .....	309
Child protection .....	309
Discussion of matter of public importance.....	309

Dangerous Substances Bill 2003 .....	325
Detail stage .....	341
Discharge of orders of the day .....	341
Public Accounts—Standing Committee .....	342
Reference .....	342
Adjournment .....	344
Australia Day citizenship ceremony .....	346
Australia Day citizenship ceremony .....	347
Trees in Nettlefold Street, Belconnen .....	349
Karralika facility .....	350
Death of Mr Anthony Schonbaum .....	351
Australia Day citizenship ceremony .....	352
Dangerous substances legislation .....	352
The Assembly adjourned at 6.07 pm until Tuesday, 2 March 2004 at 10.30 am. ....	353
Answers to questions .....	355
Child abuse—mandatory reporting (Question No 1077) .....	355
Police force—computer-aided dispatch (Question No 1082) .....	355
WorkCover—workplace visits (Question No 1083) .....	356
Planning costs (Question No 1086) .....	357
Civic Youth Centre (Question No 1084) .....	359
Gungahlin child care centre (Question No 1091) .....	359
Director of Public Prosecutions (Question No 1093) .....	360
Police force—call centres (Question No 1100) .....	360
Transport study (Question No 1110) .....	361
Government—overseas trips (Question No 1112) .....	362
Vocational education and training (Question No 1116) .....	364
Vocational education and training (Question No 1119) .....	365
Weed control (Question No 1121) .....	366
Graffiti (Question No 1126) .....	367
Legislative Assembly—staff counselling (Question No 1127) .....	368
Security upgrades (Question No 1130) .....	369
Schools—refurbishments (Question No 1131) .....	370
Gungahlin school—capital works (Question No 1132) .....	371
Emergency Services—projects (Question No 1133) .....	372
Children in care (Question No 1135) .....	372
Nolan Gallery (Question No 1139) .....	373
Schools—transportable amenities (Question No 1142) .....	374
Crime—school thefts (Question No 1143) .....	375
Woden police station (Question No 1145) .....	376
Housing—eligibility requirements (Question No 1156) .....	377
Graffiti (Question No 1158) .....	379
Weston Park—vandalism (Question No 1159) .....	384
Youth—community-based orders (Question No 1161) .....	384
Teachers—quality (Question No 1162) .....	385
Schools—transportable amenities (Question No 1163) .....	386
Schools—leadership (Question No 1164) .....	387
Motor vehicle repairs (Question No 1166) .....	387
Government patrons (Question No 1167) .....	388
Government patrons (Question No 1168) .....	389
Government patrons (Question No 1169) .....	389

Government patrons (Question No 1171) .....	389
ACTION—off-peak tickets (Question No 1172) .....	390
Water—stage 3 restrictions (Question No 1173) .....	390
Water—Amaroo playing fields (Question No 1174) .....	395
Horse Park Drive (Question No 1175) .....	396
Lifeline emergency accommodation (Question No 1176) .....	397
Indigenous housing (Question No 1177).....	398
Bushfire Cooperative Research Centre (Question No 1178).....	399
Bushfires—commemoration (Question No 1179).....	400
Community path repairs (Question No 1182) .....	401
Boiler upgrades (Question No 1183).....	401
Cotter River bridge (Question No 1184).....	402
Cotter Road-McCulloch Street intersection (Question No 1185) .....	402
Veterinary examination room (Question No 1186).....	403
Conder water main (Question No 1187).....	403
Police force—computer-aided dispatch (Question No 1188) .....	404
Woden police station (Question No 1189) .....	405
Megalo Access Arts Centre (Question No 1190) .....	406
Manuka Arts Centre (Question No 1191) .....	406
Gorman House (Question No 1192).....	407
Glassworks project (Question No 1193) .....	407
City Walk sculpture (Question No 1194).....	408
Chisholm oval (Question No 1195).....	409
Canberra Theatre Centre (Question No 1196).....	410
Belconnen Arts Centre (Question No 1197) .....	411
Computer training (Question No 1198).....	412
Electricity and gas rebates (Question No 1199) .....	413
Seniors card (Question No 1200) .....	414
Water and sewerage rebates (Question No 1202) .....	414
Gas rebates (Question No 1203).....	415
Electricity rebates (Question No 1204) .....	416
Population statistics (Question No 1205) .....	416
Land tax (Question No 1207) .....	417
Capital works program (Question No 1208) .....	418
Energy savings initiative (Question No 1217) .....	419
Lake Ginninderra (Question No 1218).....	420
Bushfires—budget initiatives (Question No 1219) .....	421
Bushfires—free plant schemes (Question No 1220).....	426
Drug offences (Question No 1221) .....	426
Vocational education and training (Question No 1223).....	428
Prison (Question No 1224).....	429
ACTION buses (Question No 1225) .....	429
Sportsgrounds—upgrades (Question No 1226).....	430
Teachers—numbers of vacancies (Question No 1227) .....	431
Detention centres (Question No 1228) .....	431
Students—SCAN results (Question No 1229) .....	432
Water restrictions (Question No 1230).....	432



**Thursday, 12 February 2004**

**The Assembly met at 10.30 am.**

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

## **Petition**

*The following petitions were lodged for presentation.*

### **Karralika facility**

*By Mrs Cross, from 86 residents:*

To the speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

The proposed large scale redevelopment of the Karralika Drug Rehabilitation Centre at 256 Bugden Avenue, Fadden (Block 1, Section 399).

Your petitioners therefore request the Assembly to: call on the ACT Government to

Cease any development and enter into immediate discussion and effective consultation with the community regarding the size, nature and details of the project.

*The clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

## **Annual Reports Legislation Amendment Bill 2004**

**Mr Stanhope**, pursuant to order, presented the bill and its explanatory statement.

Title read by clerk.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.32): I move:

That this bill be agreed to in principle.

Mr Speaker, I am pleased to introduce the Annual Reports Legislation Amendment Bill 2004. The bill makes a number of consequential amendments to other laws as a result of the Annual Report (Government Agencies) Bill 2003, which was introduced in December last year.

Most amendments in this bill replace references to the 1995 act with references to the 2004 act. Some additional minor changes are made to other references to annual

12 February 2004

reporting in the interests of a consistent approach within the annual reporting legislative framework. This builds greater consistency in drafting style as well as in references to reporting arrangements. I commend the bill to the Assembly.

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

## **Occupational Health and Safety Amendment Bill 2004**

**Ms Gallagher**, pursuant to order, presented the bill and its explanatory statement.

Title read by clerk.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (10.34): I move:

That this bill be agreed to in principle.

The Occupational Health and Safety Amendment Bill 2004, which I am introducing today, will establish an enhanced compliance and enforcement framework for workplace safety in the ACT. The new and amended compliance measures in the bill reflect contemporary regulatory requirements in the area of work safety and moves towards national consistency in approaches to compliance and enforcement regulation.

The bill is the culmination of the first phase of a comprehensive review of work safety legislation. The government has been assisted in this review program by the Occupational Health and Safety Council. The council is a tripartite body established under the Occupational Health and Safety Act 1989 to provide advice to the government on health and safety in the territory's workplaces.

In August 2003, the council provided the government with a report on the compliance model established in the Occupational Health and Safety Act. In its report, the council said that a:

credible enforcement and compliance framework rests on the following attributes:

- a mix of deterrence and persuasion;
- an appropriately framed and effective education, advice, promotion and public awareness regime;
- a hierarchy of enforcement measures ranging from advice, education and persuasion to increasing serious negative sanctions such as Improvement Notices, Prohibition Notices and finally prosecution;
- an innovative mix of compliance mechanisms, including notices of agreed compliance, remedial orders, enforceable undertakings and injunctions; and
- appropriate maximum penalties.

The government has accepted the council's recommendations for reform of the compliance provisions in the act. The legislation introduced today will enable employers and employees to work more cooperatively to identify safety risks and develop measures to control and eliminate them; encourage everyone with workplace safety responsibilities to comply with their obligations; empower regulators to work more directly with those

responsible to address safety risks at a workplace, before accidents and injuries occur; ensure that regulators can take appropriate enforcement action where compliance is not forthcoming, or there is risk of serious accident; and provide appropriately high penalties when contraventions of the act expose people to risk of serious harm or cause serious harm.

In December 2003, I introduced the Dangerous Substances Bill 2003. At that time, I said that the Dangerous Substances Bill was aligned with the Occupational Health and Safety Act with the objective of creating a larger, harmonised framework of work and safety legislation. Like the Occupational Health and Safety Act, the proposed dangerous substances legislation is based on positive duties of care.

This alignment strategy is developed through the bill I am introducing today, which will create a compliance and enforcement regime mirrored in the Dangerous Substances Bill. Importantly, consistency between the two regimes will assist work and safety inspectors in the proper exercise of their functions and assist employers to understand their obligations and the consequences of failing to meet these.

The measures in the bill are focused on establishing an appropriate penalty regime for serious offences, encouraging voluntary compliance, providing for a wider range of remedies to achieve compliance with the act and to ensure effective action can be taken in the face of a breach of the act, enhancing and modernising the enforcement powers of inspectors, and improving the capacity of employee representative organisations to engage meaningfully with employers in relation to matters of health and safety in the workplace.

The OH&S Act is focused on “positive obligations” in the form of workplace safety duties for employers in relation to employees and to third parties, employees, self-employed people, manufacturers and suppliers of plant and substances, and people erecting or installing plant. While these duties form the core of the legislation, the current maximum penalties provided for their breach—of \$25,000 for natural persons and \$125,000 for corporations—are relatively low. In addition, there is no provision for imprisonment in relation to duty offences.

The bill provides that breaches of safety duties are serious offences. Penalties for breaches are scaled to reflect the seriousness of the breach and its actual or potential consequences. Division 3.2 establishes a general offence for a failure to comply with a safety duty, with a maximum penalty of \$10,000 for natural persons and \$50,000 for corporations. This is a strict liability offence for which there is a defence of mistake of fact.

The reckless or negligent contravention of safety duties which exposes people to substantial risk of serious harm attracts a maximum penalty of \$150,000 and \$750,000 respectively, and an imprisonment term of five years, or both. The reckless or negligent contravention of safety duties that causes serious harm attracts a maximum penalty of \$200,000 and \$1 million respectively, and an imprisonment term of seven years, or both.

The Occupational Health and Safety Act is built on the fundamental premise that safety in the workplace is enhanced by the involvement of workers and their representative organisations. This requires support for both direct and representative union-based



*12 February 2004*

participation in workplace safety arrangements. New provisions for right of entry in the bill will ensure that representatives of organisations with members in a workplace can enter work premises where there are reasonable grounds to suspect that a contravention of the OH&S Act has happened, is happening or is likely to happen.

These provisions are similar to provisions in the New South Wales Occupational Health and Safety Act 2000 and complement right of entry provisions in the Commonwealth Workplace Relations Act 1996, which allow representatives of employee organisations to enter workplaces to investigate suspected breaches of industrial awards and agreements.

The new provisions will allow authorised representatives of an employee association registered under the Workplace Relations Act to enter premises and investigate suspected contraventions of the Occupational Health and Safety Act. The authorised representative will be required to tell the person in charge of work or the premises about the outcome of the investigation. These new provisions will enable employers to work together with their employees to solve problems as they develop, and are essential to the spirit of cooperation in the workplace.

The bill provides for measures to ensure that people comply with their obligations. A wide range of enforcement tools is proposed, from voluntary compliance agreements and improvement and prohibition notices to enforceable undertakings and court-issued injunctions.

Voluntary compliance agreements will enable people in the workplace to enter into cooperative agreements with inspectors in relation to the rectification of potentially dangerous situations. More powerful measures such as prohibition notices can be used in situations where it is necessary to stop certain activities in the face of immediate danger and risk of serious harm. Compliance agreements will allow employers and regulators to work together in a formalised arrangement to rectify problems in a workplace. The agreements encourage employers to take responsibility for making sure improvements are made, and are designed to help employers better understand what is required of them.

The ACT will be the first jurisdiction to provide for compliance agreements. In this, as in other legislative reform initiatives, such as the recently enacted industrial manslaughter amendments to the Crimes Act, the ACT is leading the nation in its development of a robust and comprehensive regulatory regime for work safety.

Enforcement is required where other incentives fail to achieve compliance. The enforcement provisions in the current Occupational Health and Safety Act were crafted more than a decade ago. In particular, the provisions establishing the powers of inspectors are inadequate. The bill replaces these with a new suite of general provisions, including those that cover the general powers of inspectors. These powers are necessary to ensure that inspectors are able to effectively investigate compliance with the legislation and take appropriate action where circumstances require it. The powers provided for in the bill are similar to the powers of inspectors under other contemporary regulatory schemes.

The bill also repeals the infringement notice scheme established in the act, along with the regulations. An infringement notice scheme will be effected through the Magistrates

Court Act 1930. The Magistrates Court Act was amended in 2001 to establish a template infringement notice scheme that can be applied to any territory act that contains offences. Regulations will be made under the Magistrates Court Act to prescribe appropriate offences in the OH&S Act as infringement notice offences.

The bill provides for the publication of details of convictions and findings of guilt, and for courts to order people convicted or found guilty of an offence to publish a statement in relation to the offence. It is now well accepted that awareness of prosecutions is essential to a credible deterrence strategy. Not only do people and businesses value their good name; publicising the outcome of prosecutions heightens community awareness of the consequences of contravening workplace safety laws. The provision for adverse publicity measures in the bill is part of the overall strategy to support compliance and appropriately sanction offenders.

The work safety compliance regime established in the Occupational Health and Safety Amendment Bill will support cooperation in the workplace in the interests of safety, while enabling appropriately strong enforcement action when necessary. The legislation, along with the new dangerous substances legislation, is testament to the government's commitment to build a robust and modern body of work and safety legislation.

I ask the Assembly to note the Occupational Health and Safety Amendment Bill 2004.

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

## **Community Services and Social Equity—Standing Committee Proposed reference**

**MRS BURKE (10.44):** I move:

That this Assembly refers to the Standing Committee on Community Services and Social Equity for inquiry and report by the last sitting day in June 2004 the following matter:

- (1) the status of fathers in the ACT by reference to the current level of recognition of their role in family formation and child rearing and in the support given to them by the public and private sectors and the community in general;
- (2) the current difficulties facing fathers in the ACT from an economic, social, financial, legal and health perspective in the formation and maintenance of the family unit;
- (3) the nature and availability of government and non-government support and services for fathers in crisis in the ACT; and
- (4) the way in which the status of fathers and the level of support given to them in times of crisis can be improved.

Since being elected to this Assembly, first back in 2001 and later in 2003, I have been increasingly interested in the wellbeing and welfare of men and of young boys and concerned that little importance and status is given to fathers and fatherhood in the ACT.

12 February 2004

At the outset, I acknowledge and thank many community groups that I have been in contact with, such as the national and ACT offices of the Fatherhood Foundation, the Lone Fathers Association, Parents Without Partners, Menslink, the Indigenous Youth Mentoring scheme, Men's Health and Wellbeing, Belconnen Community Church men's group and Australian Christian Lobby national office, Canberra. I want to thank these groups in particular for their substantial contribution and tireless efforts in promoting the cause of fathers and their children in our territory.

**MR SPEAKER:** Order, members! There are too many conversations going on. Mrs Burke has the floor.

**MRS BURKE:** Thank you, Mr Speaker. I have known for some time of the desperate need for a greater understanding of fathers in our community, as these various groups have raised some very valid concerns relating to the lack of recognition for fathers in this nation and, in particular, this territory. Many in this Assembly will note that this view is very much supported now by the new federal opposition, Labor leader, Mark Latham.

The discussions I have had with major stakeholders in this vital area for over two years only serve to confirm what I have already heard from many individuals. Fathers feel undervalued in our community and their status is a lot lower than it should and ought to be. Recently, I organised a public forum that was attended by over 100 men and women who came to hear some well-credentialed experts, such as Warwick Marsh from the Fatherhood Foundation, Barry Williams from Lone Fathers, Jim Rice from Menslink, Phillip Graham from Indigenous Youth Mentoring, Don Bowack from Men's Health and Wellbeing, Richard Murray from the Belconnen Community Church men's group and Jim Wallace and Denis and Estelle O'Brien from the Fatherhood Foundation's ACT office.

The evidence is insurmountable and indisputable. It all points to the fact that fathers are very important in the life and development of a child, and to the health of the family unit as a whole. They play a crucial part in giving children a sense of identity and belonging. There is no doubt that fathers act as role models for their children. In a speech written in August 2003 by the Honourable Mark Latham, who was then the federal Labor shadow Treasurer, he states:

I must say, as a father one of the great joys of my life was to become a dad. When I see my two and a half year old son, Oliver, follow me around the garden, if I weed he wants to weed, if I get in the car, he wants to get in the car—you just understand instinctively that the father has such a big impact on the son.

No doubt those of you who are fathers can relate to the comments of the Honourable Mr Latham. I think his position would resonate with all of us, but more so with all the male members of this Assembly here, who are all fathers.

We as a community cannot say that one role is more important than the other: both are equally important. Women play an enormous part in verbally stimulating their children, in teaching them intimacy and in caring and nurturing. Men equally play an important role, in giving confidence and meaning to a child, in helping them to come to terms with their identity and in encouraging them to take risks.

Children are suffering in Australia because of the absence of fathers. According to the findings of Bruce Smyth and Anna Ferro from the Australian Institute of Family Studies, more than one million children in Australia live separately from their fathers. More than one-third of children who still see their dads never spend a night with them. The problem of fatherlessness is having a devastating impact on our children and our nation.

According to research conducted by Dr Bruce Robinson, author of *Fathering from the Fast Lane*, it is estimated that fatherlessness is costing Australia over \$13 billion per year. That is a staggering amount of money that could be better spent on health, education, law and order, aged care and so on. In an article entitled “The facts on fatherlessness”, Bill Muhlenberg states that children who grow up in a fatherless household are more likely to experience poverty, low educational performance and increased levels of crime, drug abuse, mental health problems and child abuse. Poor or no modelling of fatherhood to young men will have a devastating effect on those men when eventually they wish to form a family.

We have all heard evidence that the abused—whatever form that abuse may take—become the abusers. In other words, the child rightly or wrongly takes on the attributes or culture of the environment in which he or she grows up. The environment, modelling and learning in the early years, nought to seven in particular, can never be replaced or entirely erased should the child’s experience be negative or incomplete. The absence of a father, for whatever reason, will create a generation who have no idea how to form and support family life themselves.

Young men and women are now less able to form sustaining and meaningful relationships and maintain families. There is no such thing as a job for life these days. This may be a reason for the excessive delays in family formation and the intolerable pressures on parents.

**MR SPEAKER:** Order, members! Mrs Burke has the floor. There are too many conversations.

**MRS BURKE:** I give you the credit to listen to you, Ms Tucker. Our culture is such that we are now party to longer working hours and multiple jobs in the maintenance of the family unit. The weight of that pressure falls on mothers and fathers. Alan Barron from the Institute of Men’s Studies, in a report prepared in June 2003, stated that the rate of suicide of men compared to women was nearly five to one. According to Professor John McDonald, co-director of the Men’s Health Information and Resource Centre, separated fathers are six times more likely to commit suicide than married men. We often have the notion that the rate of youth suicide is the highest among men in Australia, when in fact the highest rate is in the higher age group of 25 to 45 years.

This government and the community generally are not standing up for fathers, despite the abundant evidence that they have a crucial role to play in a child’s life. We do not hear anything from this government on the promotion of fathers, yet most of the male members of the government are fathers, and some are grandfathers. As is often said, and well meant, that children are our best and greatest investment. One of the crucial ways that we can invest in our children is recognising the important roles that fathers play in their lives. Wouldn’t you agree, Mr Hargreaves?

12 February 2004

In August this year, a national fathering forum was held, called Strengthening and supporting Australian fathers. The forum proposed a 12-point plan to turn the tide of fatherlessness in Australia. I have copies of that if members are interested. I believe the initiative in that plan has merit and should be seriously considered by the governments of this nation. Being the father of five wonderful sons, Warwick Marsh, who is the national head of the Fatherhood Foundation, is to be commended for his dedication and commitment to the cause of fathers. He is a living testament to the value of fatherhood and the need to promote this in our community.

However, there is still a long way to go. The status of fatherhood in our society must be examined if we are to move forward. Clearly, its status is affected by government and private sector policy and attitudes. There is an obvious inequity in funding for men's issues. I find it rather curious that there is an Office for the Status of Women, with its own minister, yet there is no similar office for men.

We have many government-funded programs across Australia, at the federal, state and territory level. Yet men's services, and particularly services for fathers in Canberra, are sadly lacking. In the ACT, one men's information and support centre received from the government an annual amount of around \$11,000.

**Mr Cornwell:** How much?

**MRS BURKE:** \$11,000, Mr Cornwell. One would be forgiven for thinking that its budget was a lot higher, given the variety of services that it provides. Its services include a telephone help line for men, counselling and financial counselling, anger management courses and counselling, an information database of appropriate agencies and resources for men, advocacy with various government departments and the promotion of various support groups for men.

The centre has told me that the need is great, that there is a huge unmet need, and members in this place often talk about unmet needs. We do not hear said about those of men, sadly. The centre cannot keep up, and it is struggling on such a shoestring budget. Most of its workers are volunteers. I have recently spoken to one of the workers, who told me that he worked 50 hours a week on an entirely voluntary basis. I would like to acknowledge and put on the record the huge effort and commitment of Barry Williams, for example, at the Lone Fathers Association. Barry has worked long and tirelessly for the cause of men, not only in the ACT but also in Australia.

It would seem that, apart from a very small sum of money to one organisation specifically set up for men, no money is targeted specifically at addressing the issues of supporting men or fathers experiencing family trauma. It has been astonishing to discover the discrepancy between services available to women in crisis and services available to men. I should make it clear that the point of any comparative analysis between men and women is only to identify properly the areas that are lacking insofar as men and fathers are concerned, without detracting in any way from the need or recognition that should be given to women.

There has no doubt been a welcomed and improved change in the role and rights of women over the last 20 to 30 years, and this motion and proposed inquiry are not about

taking anything at all away from women. There are many centres and programs located in Canberra that deal with women's health, yet there does not appear to be any such centre for men. There are many more women's shelters, for example, which provide housing for women who are victims of domestic violence, compared to shelters for men. If a victim is a man then he is often placed on a waiting list for what is described as family accommodation. The waiting list can be very long.

Our shelters provide mid to long-term housing for women and children, yet little to nothing for men. There seems to be a distinct lack of crisis services available for fathers going through divorce or separation. The majority of calls—over 50 per cent—received by the Lone Fathers Association relate to marriage breakdowns. These men are looking for support and advice yet, with its limited budget, the centre can do very little to help. Separated and divorced fathers appear to have access to very few services for accommodation, counselling or general support. This is particularly the case where men have suffered domestic violence, need support immediately after separation or have children with nowhere to stay.

Things need to change. Fathers are suffering and they are often silent. They are unwilling to admit that they are having difficulty and need support. Sadly, as statistics show, many believe that the solution is to take their own lives. Clearly, that is not the solution. This Assembly has a responsibility to examine the status of fathers in our society, in our community, in Canberra, to determine in what way they are not being looked after and to determine what we can do to improve their status and their plight. This is our role and our function as legislators. I encourage members to vote with their conscience and support my motion today.

**MR HARGREAVES (10.57):** Mr Speaker, Mrs Burke raises quite a number of issues and I think quite validly. She has obviously gone to a great deal of trouble to do a lot of research on the issue and I thank her for that information. I think that there are a number of issues that have to be addressed but, before doing that, I will signal that this side of the house will not be supporting the motion. I will give you some reasons for that.

First, the terms of reference are very wide. I agree with you that it is an important matter. I consider these terms of reference to be about the same width as those of the inquiry into the rights, interests and wellbeing of children. In the time frame that has been placed on this motion, it would not be possible, given the workload of this committee, to do this inquiry justice. There is just not enough time for it to happen.

Second, if the reporting date was removed, it is my prediction that this inquiry, quite rightly, would require extensive investigation and extensive discussion and public comment. I understand that a similar motion was put to the South Australian parliament not long ago after quite a lot of investigation, and I suggest that we need to do something of a similar extent.

It is the wrong time of the electoral cycle. The reason I say that is that it would take us a very long time to come to the stage of putting a report to the Assembly. The government then has three months to respond. That would take us past August, and then the Assembly is in caretaker mode. In other words, we would only get halfway through any meaningful result with what Mrs Burke is trying to achieve.

12 February 2004

When we go out for public consultation on inquiries, the people who make submissions to us do so in the hope that something will be realised at the end of that, not just a report to the Assembly, which will change a couple of months later. Furthermore, it would be quite inappropriate for a government approaching a caretaker period to commit to a number of responses immediately prior to an election. If, for example, the government changed, things would be entirely different. It has no hope of happening this time. However, the principle still applies.

One of my big concerns is that we would get to the stage of having a report to the Assembly and the government of the day would not have enough time to respond to it before we go into caretaker mode. I do not think we would have the time to do that.

Some of the issues mentioned in this motion have been addressed by this Assembly in the earlier inquiry we had into homeless fathers with dependant children. Some of what we put in that report goes to some of the issues here. That signals that this Assembly does regard these as serious issues, so I do not want anybody to suggest that this side of the chamber considers that these are not serious issues. The terms of reference are plainly just too wide.

Regretfully, this side of the house will not be supporting the motion. However, if Mrs Burke should be fortunate enough to be returned after the election, I am sure that the new committee would entertain a motion from her then.

**MR STEFANIAK** (11.02): I listened with interest to what Mr Hargreaves said. Mrs Burke tells me, Mr Hargreaves that, yes, the terms of reference are the same as the those of the South Australian committee. That committee reported in three to four months, so she informs me.

It is a very important motion. A lot has been done for women over the last 30 years, and rightly so. However, there are some real and growing problems in relation to men, and Mrs Burke's motion is an eminently sensible one and would allow the Assembly to look into those. I think it is important that the work is done now. It is something that can also be taken up in the sixth Assembly, but I think there are so many issues around men and men as fathers that this should be looked at now.

Mr Speaker, I will quote now from a little book, *Men and Separation: Choices in Tough Times* by Relationships Australia. There are some stark figures here that are probably much worse than they were 10 or 15 years ago, indicating a situation that is probably far worse than it was at the time that I was practising in family law in the late 1970s and then again in the early 1990s.

In the year 2001, the median age for men to marry was 31; the median age for divorce was 42; 42 per cent of marriages ended in divorce; 12 per cent of separated children lived with their fathers; nearly one-third of all children, 30 per cent, lived with only one natural parent and had no, or next to no, contact with the other natural parent, who was often the mother; 18 per cent of children lived in a one-parent family; and 8 per cent of children lived in a step or blended family.

There are some real problems in relation to grieving and how a separation affects men in various ways. Depression and its effects would often lead to suicide, as Mrs Burke has indicated, or simply not being able to cope. Some, of course, adjusted but the stats in the study show that all men were affected adversely in some particular way.

The book describes men's grieving. Men will divert feelings into normal routines such as work and hobbies, they try to get strategies for dealing with practical concerns and they suffer from stress. One to two years after separation, 33 per cent continue to report stress-related symptoms, 33 per cent claimed 10 years later that they would never get over the divorce and 67 per cent stated 10 years later that they still felt dumped—61 per cent of separations were initiated by women. I think 21 per cent of them were initiated by the men and the rest were mutually agreed upon, so it is certainly a very stressful event. For the ones who remarried, over 50 per cent of second marriages ended in divorce, adding further to the problems.

We live in a very complex society, and the new federal Leader of the Opposition rightly highlights issues about men and the need for men as role models, especially for children. There are some real issues in relation to children who see very little of their fathers and do not have a father role model and in relation to boys' education in schools. There are some huge problems in relation to the mechanical processes and difficulties in the law faced by men during marriage breakdown: the various family law problems that can go on for many years in some instances, the huge emotional and financial costs that are suffered by men, and the huge problems which, as Mrs Burke has said, sometimes lead to suicide.

I know the family law jurisdiction is a federal one, but it affects all jurisdictions and the territory here and it is a very important factor in the way men cope. We are continually seeing issues in relation to men's health. Every day there are new problems in that area. We also see some real problems in the support networks we have for men. Many men in our society just feel that it is very difficult to cope and that the system is letting them down. They see quite a number of support mechanisms, such as crisis accommodation, which can assist women in difficulty—again, rightly so. They are usually pretty full. I can remember that from my time as a minister and I know that from the recent stats. However, we have seen some horrible statistics in recent times, too, in relation to crisis accommodation for men.

During the debate on the tender for the men's shelter in Kaleen and the problems experienced there, there were allegations of not very good process and bias on the part of the department by the Lone Fathers Association. It had its contract cut short in the end, and another group took over there. The allegations that that particular group, which has done so much to help men, was hard done by—which are important in themselves—are indicative of some of the problems. However, regardless of what was right or wrong there, we still only have one crisis service that looks after men with children. The indications are that the new service is doing a good job but also that there is still unmet need there. There is a need for another crisis service for men with children.

I indicated at the time that I thought one should be built on the south side, and I thought it would be appropriate if Lone Fathers ran that one. That, of course, has not happened; there are issues there to be resolved. During the debate, I recall that a figure was used,



12 February 2004

which might have been from St Vincent de Paul or the YWCA/YMCA, indicating that over 2,000—

**Mr Hargreaves:** Point of order, Mr Speaker: I want to ask you to caution the member about reflecting on debate in this chamber. There was a debate on the Lone Fathers issue within the context of this Assembly.

**MR STEFANIAK:** I am not really doing that, Mr Speaker.

**MR SPEAKER:** It is long-standing rule of the Assembly that we do not reflect on debate.

**MR STEFANIAK:** I will make sure that I do not.

**Mr Smyth:** When was the debate?

**MR STEFANIAK:** A couple of years ago.

I recall figures indicating that about 2,000 men could not be accommodated in crisis services in the course of the year. Those figures are close to two years old now. That in itself is very worrying. Mrs Burke's motion, and referral to the committee, would take into account crucial issues like that. She said in the debate that all the men here are fathers. The vast majority of adult men in our community are fathers. Close to 50 per cent or so of the community is male, and 50 per cent are female. There are some very real issues—existing and emerging problems—that we as legislators need to look at so that we can come up with solutions.

The terms of reference in Mrs Burke's motion are wide. As she says, her terms of reference are similar to the South Australian terms of reference. However, men and fathers in the ACT are certainly facing many difficulties in the economic area, the social area, the legal area, the health area, the financial area and the maintenance of the family unit, or otherwise. There are real concerns in relation to just what is available to support them, what areas of government support can be improved, what areas of non-government support can perhaps be improved and, especially, what we, as a community and an Assembly, can do for them in times of crisis that we are not doing very well now and that we should be doing.

It is terribly important that this issue is looked at properly by a committee. We have not really done that in the past to any great extent. If Mr Hargreaves has concerns about the breadth of Mrs Burke's motion, I am sure she would be amenable if you came up with some amendments that might satisfy some of your concerns. I hope that those in the Assembly do not duckshove this issue or regard it as too hard and not address it. If we do that, we would be failing in our responsibilities to a very large proportion of the Canberra population. We would be failing in our duty to look at ongoing and emerging problems that need to be addressed in our community.

It is essential that they are addressed for the wellbeing of our community. It is essential that, as a result of an inquiry such as this, we come up with some good strategies that can assist in minimising the difficulties and problems that are experienced by fathers, making the lot of fathers in our community a lot easier than it is at present.

**MS DUNDAS (11.11):** When Mrs Burke was putting forward this motion, I heard her speak a lot about fathers and their role. Mr Stefaniak also picked this up. I was thinking about the debate that we had just two days ago. I will be careful not to reflect on that debate, but there was a lot of discussion in this chamber about the role of a mother and a father and the family unit and how they have an important impact on bringing up a child. More references were made to the role a community has in bringing up children. That is another cornerstone of the debates that we have been having over the last two days.

When I look at these terms of reference, I find them very narrow. We see only the father and his role in the family unit, when we need to be looking more broadly. In that context, we should be looking at the family, the community and all the people who affect children's lives and provide them with role models and guidance, and how that affects their future.

Mrs Burke, in moving this motion, talked a lot about the need to explore making further services available for men and for fathers. No 3 in the terms of reference is "the availability of government and non-government support". She asked why we have an Office for Women and why we have women's health centres? I was disappointed to hear that because I thought we had had this debate. I thought we had been having this debate for 100 years.

We live in a society where men are dominant, where men control the political processes and where men have amazing sway over the economy, and services have been dedicated to the men in society, as they have been throughout history. We are still working to overcome and change that and to make our society more inclusive and more aware of how programs affect different members of the community differently.

We do still need an Office for Women and we do still need women's health centres because so many of the structures that are currently in place are there to support the community at large, but in a very male-oriented way. What we really need to be looking at is the impact that the community and the entire family have on children. By having terms of reference that are so narrow, that specifically look at fathers, we again devalue the role of mothers and we again devalue the role of aunts, brothers, sisters, uncles, family friends and the broader community, and the effect they have on the family formation.

I would like to have a broader discussion. We should be discussing paid paternity leave and how that affects childrearing. We should be talking about childcare and the inadequate systems that mean that mothers are leaving the workforce because it is better for them, in an economic sense, to look after the children and not work. Those structures in place at the moment need further exploration. That is something that should take place in this Assembly, it is something that should take place federally and it is something that should take place more broadly in the community.

I want to read another quote from a book called *Manifesta* by Jennifer Baumgardner and Amy Richards, which I have quoted from many times in this place. They write:

Our expectations of dads are so much lower than our expectations of moms that dads don't get such a bad rap from their daughters. We also let them off the hook

12 February 2004

because their lives appear more liberated—more like how daughters are told their lives should be.

That summarises a lot of what I was trying to say about how our society still puts so much freedom into the role of the fathers, of men, and then asks so much of daughters, to live up to ideals that are being put upon them by a patriarchal society. The discussion is so broad and so wide ranging that limiting an inquiry to reporting by June just on the status of fathers in a family unit runs contrary to what I think needs to be done. Also, it runs contrary to the debates that we were having the other day about the family unit.

I thought that this Assembly agreed that the family unit was very broad and had many different aspects to it. I cannot support this referral as put forward by Mrs Burke, but I do acknowledge that there is the need for further discussion on this. I am sure it is a debate that will continue here in the Assembly.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (11.17): I will be brief. I just want to emphasise something that Mr Hargreaves said. The government does not associate itself with Ms Dundas's line of argument, which, I have to say, borders on sexist. However, what Mr Hargreaves has advised the Assembly is that the committee—which, coincidentally, he chairs—does not have the capacity, with its workload, to give justice to this inquiry. That is the point that I want to stress. The government does not argue with the sentiment behind saying that there is a need for an inquiry, but it cannot support the referral at this time because there is already the workload.

I think Mr Stefaniak used the word “duckshove”. It is easy for a member of this place to have a good idea, stand up and pass it to the committee to do the work. It would seem that this referral will not take place. The numbers are there to ensure that it does not. Let me say that the government wishes Mrs Burke well in pursuing this issue and I am sure that, beyond today, she will “walk the walk”, as her leader has suggested, rather than having just talked the talk.

**MS TUCKER** (11.19): I will not be supporting this motion either. There are a few reasons. Obviously, if the committee is not able to do it, it is not useful at this point to pursue it. However, I do want to respond to a couple of the comments that were made by Mrs Burke and Mr Stefaniak.

The question of how men are faring in our society is important, as is the question of how women are faring in our society. As members are well aware, I have been calling for gender analysis and gender auditing to occur in all policy construction and programs in the ACT. I have said that you have to have a gender analysis and auditing process because different policies and programs affect men and women differently. A gender analysis audit process allows that to be analysed.

I have always said that I thought it would have been better if, rather than the Office of the Status of Women or the Office for Women, we had an office that was about gender and that we saw that structured into the work of the government. I have said that many times so I do not think I need to go into it in more detail right now.

However, it is interesting for me to hear Mrs Burke, as a woman, saying that a lot has been done for women. I do not want to misrepresent what she is saying. Maybe she is saying that she thinks that is good. I am assuming she thinks that is good because I am assuming she understands that it has been necessary to do a lot for women, and it still is, because women have been treated inequitably from the beginning and women have been less than men in the eyes of men, who have controlled society.

I was trying to get figures this morning, but I have not had time to get the most recent figures Australia wide. However, I gave a paper recently at an international conference, so I will give you those figures. Women are the largest and fastest growing proportion of the world's poor. Of 1.3 billion people living in poverty, 70 per cent are women. Women and girls are two-thirds of the world's 900 million illiterate. Women and children are 80 per cent of the 25 million refugees and internally displaced people. Violence against women is the leading cause of injury and death among women aged 15 to 44 years. Gender violence accounts for more death and disability than cancer, malaria and traffic injuries all put together. Those figures are from the International Women's Development Agency.

In Australia, we do not have the issues about literacy so much, but we certainly see a disproportionate burden of poverty and violence for women. The numbers suffering from violence and domestic violence are huge. We still see women very disempowered in our society. It is very basic and obvious. Yes, a lot is being done for women. More needs to be done for women, but that is not to say that there are no issues for men. I stress again that that is why I have always asked for gender audits and analyses: when you do them, you find out that women are doing pretty badly. However, you will also now find that men between the ages of 30 and 50, from memory, have a high rate of suicide at the moment. A gender analysis brings those things out.

When Mrs Burke says, "We do not hear much about men", we also have to think about what we do in this Assembly. How many of us here have talked about poverty, housing, employment or kids at risk and said that those with behavioural issues are mostly boys? I talk about that; other people talk about that. Mental health services: we talk about that. That is about men. The point is that there is a constant debate in this place about services to meet the needs of people in the ACT, and those services are there for men.

In particular, Mrs Burke focuses on the question of fathers. Of course, we know that there are many fathers who have gone through divorce and who have the capacity to have a reasonable working relationship with their ex-partners. They work well with that; they have the capacity to do that. There are men and women who do not have that capacity. Their relationships become totally dysfunctional and break down. That is a pretty tragic thing, but we are talking about what kind of services we have to support those sorts of men.

Of course we need to look at crisis accommodation and so on, and we have done that in this Assembly. However, if you want to look at questions related to fathers and relationship breakdown, then let's talk about mental health services and about the counselling services that are available. Those issues are coming up constantly in terms of the mental health debate in this place, so I do not think it is fair to say that we are not talking about these issues.

12 February 2004

As I understand it, you want to see a particular focus on a more philosophical issue. That seems to be the intent of your motion: that we look at what this society as a whole thinks about the role of the father. That is an interesting discussion and I do not have a problem with having it. However, I think that it is a little bit rich to be suggesting that we do not talk about the problems of men. We talk about the problems of men and women. We should be analysing all our programs to understand whether they are meeting the needs of men and women, which is why, as I said at the beginning of my speech, we need to have this gender analysis and auditing structured into the work of the Assembly.

One other point I would make—a point I have made many times in this place as recently as this week—is about the importance of looking at prevention and early intervention in families, to prevent breakdown and the stresses that lead to breakdown. Once again, these are complex, they are about the society as a whole, they are about how people are supported or not supported in a society and they are not just about government.

Governments and assemblies are not able to solve all these problems. They are much broader than that. They are societal issues. They are about how we relate to each other in a community and as a society, and how we support each other. It is a good discussion to have, but that early intervention and prevention material is also part of this debate.

**MRS CROSS (11.25):** Of course, in principle I agree with Mrs Burke's motion and the sentiment of this motion. However, the absence of fuller consultation with the members of this committee and the committee workload prevents me from supporting this motion today. I am a little puzzled, given that Mrs Burke has had two stints in this Assembly and is more aware of the committee process than newer members, that she did not consult thoroughly. I do, however, acknowledge that Mrs Burke first raised this briefly with my staff last Friday and, in passing in the corridor, with me a little later, when she asked what I thought about it before my staff had a chance to advise me.

If this had been a motion asking for the government or the minister responsible to look at this matter and to report back to the Assembly, that is something I would have considered supporting. I did hear Mrs Burke's speech and noted her comments and the research statistics that she presented. It is a pity that Mrs Burke did not spend a little more time looking into this topic and did not share some of her information with the members of the Community Services and Social Equity Committee, including its chair.

If the South Australian model that Mrs Burke referred to or, if the information and research that she got from there was good, perhaps it is something that Mrs Burke could present in another format under private members' business. Given that the work has already been done and that the statistics she shared with us today are relevant, her proposal is something that she could perhaps put in the form of a bill.

I have no problem with her terms of reference. It has been interesting for me, in my more than two years here, to listen to various comments on terms of reference, motions and other things. A motion cannot be all things to all people. Mrs Burke has chosen to look at the issue of fathers. That is quite an appropriate thing for her to do. There is no problem with her looking at fathers and not looking at anybody else. Fathers are just as relevant as mothers. I think that her aim of trying to address fathers' issues may have been viewed a little bit inequitably. I do not agree with that. I think her terms of reference are

appropriate, that what she is trying to do is a good thing and that not mentioning a dozen other groupings in the motion is not a problem. You cannot. You cannot be all things to all people. I do agree with the sentiment of her motion and including a million other things in there tends to water down the issue. In this case, the issue is fathers.

I am personally concerned with some cases that have been brought to my attention by fathers after the breakdown of their marriages, regarding custody issues. The amount of time that they are given with their children and the emotional problems that surround those custody issues affect the mothers, the fathers and the children. However, in our attempt to do the right thing by women—and I agree fully with what Ms Tucker said—

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

**MRS CROSS:** I have had a number of very traumatised people coming to see me after the breakdown of their marriages to discuss the custody issues. In this instance I felt extreme empathy with the fathers because, despite the fact that the marriage breakdown was a serious matter, the court awarded the mothers, in the two cases, complete custody. The fathers get to see the children every second weekend. If the mother chooses to go away on vacation and give the child to the father for, say, 10 days, and the father has worked his leave out and taken time to spend time with the child, the mother can change her mind and there is no recourse for the father. At times, I have great concerns with the inequity of custody, which disadvantages fathers.

As I said, I agree with Ms Tucker: there has been a reason, over many decades, to address the inequity affecting women; the role of women in society; the role of women running businesses, countries and corporations and the role of women in government. These are issues that still have to be addressed because they involve inequity. In this country, we still do not earn the same amount as men. We still have a 15 to 20 per cent disparity in salaries and that is something that has to be addressed. Once again, I support the sentiment and the principle of Mrs Burke's motion, but I cannot support its reference to a committee at this stage.

**MR CORNWELL (11.31):** It is interesting to note that the gender balance of speakers in this debate has been quite equitable. Four women and four men have been involved in it, which perhaps indicates something. Unfortunately, much of the criticism of Mrs Burke's motion has not been directed to the motion at all. Her motion talks about fathers, not about men. Mrs Cross acknowledged that and so did, in part, Ms Tucker. I was interested to note the references that were made to the stress that was placed upon men, and indeed women, but as far as I can see, this has nothing to do with the motion.

Mrs Burke mentioned the statistics. She even spoke about the attention the federal Labor Party leader has paid to the role of fathers in marriage, in bringing up children, in reading to children. Whether you accept that a prime minister of the country can be elected exclusively on the ability to read to children is perhaps a matter for another debate. But the fact is that the federal Labor leader regards it as important.

We know that there is a need for more male teachers in schools. We know that a lot of men—and that includes fathers—do suicide. We know—and I thank Mrs Cross for

12 February 2004

raising this—of the abuse of custody issues in our courts. In saying that, Mr Speaker, I am not attacking the judiciary. We know about the bias that is directed at this group of people. I do not know whether this could be addressed by a committee because I think it is a federal matter. Certainly, we have had a great many examples of the need for such an inquiry.

I must admit I am a little puzzled because Mr Hargreaves said that the reference was too broad and another committee member, Ms Dundas, said it was too narrow. I am in a little bit of confusion as to just what other members of the committee would regard as important. But I do know that it is reasonable and proper that this matter should have been introduced because it does refer to the status of fathers in the ACT.

Mrs Burke has mentioned the ACT in her motion. Indeed, it is high time this matter was investigated here because there is unquestionable bias in the ACT toward women. We have a disproportionate number of refuges for women as opposed to men. We have gone through this problem—

**Mr Quinlan:** There are a disproportionate number of women needing them, too.

**MR CORNWELL:** Just a moment. Ms Gallagher laughs. The fact is we have been pushing for a refuge for men on the south side for quite some considerable time. As far as I am aware, there is one only. That is correct, Mr Stefaniak, is it not?

**Mr Stefaniak:** Men with children, that's right.

**MR CORNWELL:** Men with children, yes. One only. That is the point I am making. There are numerous refuges here in the ACT for women with children. We do need another refuge for men. I am not arguing—

**Mr Hargreaves:** Point of order, Mr Speaker. That very point was made in the debate on the inquiry into accommodation services for homeless men and their dependent children. So that is a reflection on a debate that has already taken place in this chamber.

**MR CORNWELL:** No it is not.

**MR SPEAKER:** I think it is—

**MR CORNWELL:** Thank you for your protection, Mr Speaker. I just make the point—

**MR SPEAKER:** I do not think you can rule out all reference to the matters if they are part of the debate.

**MR CORNWELL:** I just make the point about the imbalance, if you like, in terms of the refuges. As members are aware, Mrs Burke has already mentioned that there is an office of the status of women. There is not an office of the status of men. We have an international women's year, which is much lauded. I keep asking: where is the international men's year? Where is this even-handedness that I keep hearing about?

I am making this point just to highlight the apparent and, I would say, definite bias in this territory towards women. That is why I believe that this motion that Mrs Burke has put

forward, specifically in relation to fathers, is very important. I do wonder, in fact, whether the concern of some of those who are opposing this reference is that they are worried about what the committee might find in an inquiry.

With great respect to the chairman of the Community Services and Social Equity Committee, the argument put up that there is too much work to be done by the committee before June 2004 simply is not justified. I am not saying that the committee does not have enough references and work on its plate at the moment but I do not believe that the claim that the committee will be unable to finish its work before we move into the caretaker period is justified. I think it is possible, first of all, to bring down a report—even an interim report, Mr Hargreaves—before we move into the caretaker period. It could be taken up then by a new Assembly and continued.

But the other point is this: members may recall that the previous government bought down a report into elder abuse, which was not responded to before we went to an election. I admit it took me 18 months to get a response from this tardy government. But at least we handed down a report and that report could have been responded to. So there is a way to deal with this reference. The minister might like to address the suggestion that we might have an interim report. That is another option.

A third option, of course, is for Mrs Burke to set up a select committee, and that is a matter that you may like to consider, Mrs Burke, if, as it appears, your motion is defeated. But I do not believe there is any justification for rejecting this reference out of hand.

Matters affecting fathers in this territory are important. I think the issues are growing. Those of us who deal with the Lone Fathers Association and other men's support groups know the bitter frustration that so many of these people face. We know that they feel rejected and ignored. Indeed, society seems to be keen to put them down. When you watch television commercials you find that males are frequently placed in the role of playing the fool. I suppose, to be fair, women are not terribly keen about being shown off as bimbos if you want to sell a car, but never mind.

These are matters that need to be addressed. I commend Mrs Burke for bringing forward this motion. Other options are available if the motion is defeated and I hope that she will pursue them.

**MRS BURKE** (11.40), in reply: I would very briefly like to wrap up some of the comments that have been made. Before I do so, I would like to thank my Liberal colleagues for at least their undying support on this matter. I was disappointed about some of the things that were said. It is interesting how we weave our political way through things in this place.

Mr Hargreaves, we have had a talk about this. We have had discussions, and I do say—

**Mr Hargreaves:** What?

**MRS BURKE:** Hang on—hear me out. I apologise that I was not able to attend the meeting that we were due to have. I had discussions about it with the staff in your office, I sent the motion to your office, we talked and you did explain about the workload. I am



12 February 2004

fully aware of that. I did talk to you, and you do know that. I left a message, in fact, on your answering machine. I have talked to the staff that are in your office. I also talked to you this morning about narrowing perhaps and giving more focus to what we have here.

I understand the workload faced by committees; I understand the work of committees. I also understand that Mr Hargreaves, as the chair of the committee, has discretion to prioritise committee matters. I am not disputing that. I am disappointed that Mr Hargreaves has just turned down, out of hand, such an important matter—a matter that he says is important. It is a matter that is not only costing a huge amount of money but also, as he well knows—and Ms Tucker alluded to this—is costing lives.

If Mr Hargreaves believes that the terms of reference are too wide, why didn't he come back to me and talk about it in the brief discussions that we have had? He just seems to have turned it down out of hand, and I am sad about that.

**Mrs Cross:** He didn't do that Jacqui. He discussed it. He didn't turn it down out of hand.

**MRS BURKE:** I will come to you in a moment, Mrs Cross. If Mr Hargreaves believes the terms of reference are too wide then, as I have indicated, I would have welcomed his advice in relation to what could have been reasonably taken on by the committee. But he did not come back to me after the telephone conversation that we had. He had the opportunity in that short time to say to me, "Look we can do that, we can't do that."

He told me—and this was great to hear—that some of the stuff that the CSSE committee are doing is being looked into. I applaud that. So, therefore, would that not have cut down some of the things that we have to investigate? You could have said to me, "Mrs Burke, we are looking at this, this and this, and, as you have just said, let's knock those off. How about that?" I would have been happy to have had your suggestions. When it suits the government and, to a certain extent, the crossbenchers, we seem to be able to rally around and deal with other issues but it seems that this issue is not of such importance. Although you have said that it is important, I think you are giving lip service to the notion of what it is about.

Ms Dundas said the terms of reference were too narrow, and I think other members have addressed that. I understand what Ms Dundas was trying to say but I believe that consideration of these terms of reference would be manageable in the time that is available. We need to focus on this. I think Ms Tucker very eloquently talked about the importance of gender isolated inquiries, and I will refer to this again later.

This inquiry is all about the status of men and their needs at this time. That is exactly what it is. It is about fathers; it is about fathers as human beings. We are not focusing right now on bringing other components to this inquiry. It needs to be a focused inquiry in order to ensure that the whole of the family unit works together. It has been proven that if men get it right as fathers within their family unit, the rest of that unit works well.

Mr Quinlan said that because of the workload of the committee, Mr Hargreaves does not have the capacity to undertake this reference. He used words to the effect that the government does not argue with the idea or sentiment, and I thank him for that. Mr Quinlan, I can assure you that, as I said earlier in my speech, I have been walking the walk and talking the talk. I am very concerned and passionate about men's health and

men's status in society as a whole. In doing so, I am not isolating women at all. I am one, after all.

I am still surprised that the government has made no valuable contribution or displayed a willingness to present alternative terms of reference. The government constantly carps about the opposition not working with it but when it has a prime opportunity to do something about an extremely important matter, it turns it down out of hand and tosses it out.

Ms Tucker talked about gender. I think she said gender isolated inquiries keep the focus, and I thank her for that. That is exactly what I was saying. I certainly was not putting down women. In fact, I said there has no doubt been a welcome and improved change in the role and rights of women over the last 20 to 30 years. I also said that the proposed inquiry is not about taking anything away from women.

We have a long way to go with women. A lot more needs to be done in respect of the status of women as well. I am just trying to get some equity and balance back into society, for heaven's sake! We found that this was the case with young women. But now we find that boys' education is suffering. So we tend to get lopsided. Every now and again there needs to be a check and balance. We need to stop and look at what we are doing and say, "Hang on, yes, we need men, fathers or whatever to come forward." In this instance, I was asking to have a look at what is happening to fathers.

Women are still disempowered in our society, and I do not disagree that this is the case. But we talk about men and their circumstances half as much as we talk about women. You would have to agree there is much more talk out there about women and their circumstances than there is about men. We do not hear reams of comments about men. I am not saying that to hear about women is wrong. Let us just redress the balance.

I thank Mrs Cross for the little slap on the wrist—or do I? I circulated the motion to your office, like I did with everybody else, and I asked your office for your feedback. I talked to you and to your staff. I talked to you when you were walking down the corridor. I was not just trying to pass the time of day as you flew past me. I was trying to say, "Have you had a chance to look at it?" It was just about reading it, getting back to me and saying what you thought, et cetera.

I am intrigued that Mrs Cross often refers to herself as a new member in this place. She refers to me as having been here twice. I am not too sure who is the new member here. I just wanted people's input. I asked, "What do you think of the terms of reference? Why don't you have a look at them and get back to me." I was expecting their input.

I had decent conversations with staffers. I have no problem with that. I had a good conversation with Mr Hargreaves. As I said, I was waiting for a phone call back from Mrs Cross. You were busy at that time and your staffer said that you would get back to me. That was great. I was waiting for that. Anyway, it does not matter.

**Mrs Cross:** Three minutes before we have a sitting week.

**MRS BURKE:** No, it was not three minutes. I think you exaggerate. You protesteth too much, Mrs Cross. I am open, and I have been from the beginning, to any member

12 February 2004

contributing their ideas. It is so obvious and really disappointing that there has been a great political reluctance to do anything to move this issue anywhere. You can shake your heads and you can smile. At least you could have had a go.

My colleague, Mr Cornwell, said that there are other options open to this committee. The South Australian—

**Mrs Cross:** So did I.

**MRS BURKE:** Well, probably you did but I did not need the reprimand that you gave at the beginning of your speech.

**Mr Quinlan:** Why don't you two go off and do it?

**Mrs Cross:** I said it in my speech. You should have listened.

**MRS BURKE:** Why didn't you do something?

**Mrs Cross:** You should have listened.

**MR SPEAKER:** Order! Mrs Cross, Mr Quinlan; these interjections will cease. Mrs Burke, direct your comments through the chair.

**MRS BURKE:** Thank you, Mr Speaker. Mrs Cross has mentioned that I should be doing the work. I have done a lot of work. I just put the motion forward and asked people for their suggestions. I think that is just a furphy. I am open to any member contributing their ideas. As I said, there has been great political reluctance to do so, and that is disappointing. It is disappointing for the stakeholders out there, for the men of this city, for the men's groups that are out there representing fathers. You are not getting at me; you won't get at me. You are getting at the fathers and their associated groups in this city.

I thank Mr Cornwell for his concluding comments from this side of the house. I thank him for the idea of an interim report. Why couldn't the committee consider that? I am open to that great idea. Mr Cornwell alluded to the elder abuse report. I might consider the select committee idea. I am not going to let this matter go. I think the South Australian inquiry took about four months, so I do not think the inquiry that I am proposing is out of order. I urge members to please, as a matter of conscience—there is a lot of talk about that in this place—reconsider the way they are going to vote on my motion and not to turn it down out of hand.

Question put:

That the motion (**Mrs Burke's**) be agreed to.

The Assembly voted—

Ayes 6

Noes 11

Mrs Burke  
Mr Cornwell  
Mrs Dunne  
Mr Pratt  
Mr Smyth  
Mr Stefaniak

Mr Berry  
Mr Corbell  
Mrs Cross  
Ms Dundas  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald  
Mr Quinlan  
Mr Stanhope  
Ms Tucker  
Mr Wood

Question so resolved in the negative.

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

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

Leave granted.

**MR HARGREAVES:** Mr Speaker, the Standing Committee on Community Services and Social Equity has resolved to conduct an inquiry into and report on the youth services at the adolescent day unit. The committee has visited the adolescent day unit, spoken to the people there, both the clients and the staff, and is about to hear from the department. This statement is merely a mechanism by which the committee can report to the Assembly, having looked into that matter.

### **Education—Standing Committee Statement by chair**

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

Leave granted.

**MS MacDONALD:** The Standing Committee on Education has resolved to conduct an inquiry into and report on teacher numbers and recruitment within the ACT, with particular reference to:

- current make-up of teachers in pre-schools, schools, colleges and CIT;
- training of teachers in the ACT;
- current average/median age of teachers in the ACT;
- recruitment practice by the ACT Department of Education, Youth and Family Services;
- recruitment practices of interstate departments; and
- any related matter.

Mr Speaker, the committee looks forward to receiving submissions regarding this inquiry. We believe it is an important inquiry, given the ageing population and the pressures placed on schools, colleges and the CIT.

12 February 2004

## **Legal Affairs—Standing Committee Report**

**MR STEFANIAK** (11.55): Mr Speaker, I seek leave to move a motion relating to the reporting of the Standing Committee on Legal Affairs on its inquiry into the Long Service Leave (Private Sector) Bill 2003.

Leave granted.

**MR STEFANIAK:** I move:

That the resolution of the Assembly of 7 May 2003, as amended on 23 September 2003, be further amended by inserting a new paragraph:

“(1A) If the Assembly is not sitting when the Standing Committee on Legal Affairs has completed its inquiry into the Bill, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication.”.

Question resolved in the affirmative.

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

**MRS DUNNE** (11.56): Mr Speaker, I seek leave to move a motion to alter the membership of the Standing Committee on Planning and Environment.

Leave granted.

**MRS DUNNE:** I move:

That, pursuant to standing order 221, Mr Stefaniak be appointed to replace Mrs Dunne on the Standing Committee on Planning and Environment for that Committee’s consideration of the inquiry into the building of an Aldi Supermarket next to the Belconnen Markets.

Question resolved in the affirmative.

## **Report 24**

**MRS DUNNE:** Mr Speaker, I seek leave to present the extracts and minutes of proceedings relating to the Standing Committee on Planning and Environment in its report 24 on the Road Transport (Public Passenger Services) Amendment Bill 2003.

Leave granted.

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

Planning and Environment—Standing Committee—Report. 24—*Inquiry into the Road Transport (Public Passenger Services) Amendment Bill 2003*—Relevant extracts of the Minutes of Proceedings.

These were inadvertently omitted from the tabling of the report the other day, and I apologise to members for the inconvenience.

## Discharge of orders of the day

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (11.58): I move:

That the following orders of the day be discharged from the *Notice Paper*:

### Private Members' Business –

No 15 relating to the Bushfire Inquiry (Protection of Statements) Amendment Bill 2003 (No 2).

No 18 relating to the Litter (Littering from Motor Vehicles) Amendment Bill 2003.

No 19. relating to a proposed amendment to standing order 118—Answers to Questions without Notice.

### Executive Business –

No 9 relating to the state of the Territory's Finance.

No 10 relating to the Independent Competition and Regulatory Commission investigation into competition implications of provision of wheelchair accessible taxi services by a single network.

No 11 relating to the Consolidated Financial Management Report.

No 12 relating to the ACT Gambling and Racing Commission report on community contributions made by gaming machine licensees.

No 13 relating to the Public Rental Housing Assistance Program amendment to restore security of tenure to public tenants.

No 14 relating to the Government response on full retail competition impact on ACT low income earners.

No 15 relating to the fourth six monthly report on indigenous education.

No 16 relating to the first sixth monthly report on the Board of Inquiry into disability services on the implementation of the Government response.

No 17 relating to the Government response to the inquiry into education funding in the ACT.

**Ms Tucker:** I do not want item No 14—the item relating to the government response on the full retail competition impact on ACT low income earners—discharged.

**MR SPEAKER:** Well, there is a problem here in that you will have to have an amendment circulated in writing.

**Ms Tucker:** Okay, I will move an amendment.

**Mrs Dunne:** Perhaps we could adjourn this till a later hour.

12 February 2004

Debate (on motion by **Mrs Dunne**) adjourned to a later hour.

## **Suspension of standing and temporary orders**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.00): Mr Speaker, I seek leave to move a motion concerning a reference to the Standing Committee on Public Accounts. The motion has been circulated.

Leave not granted.

**MR QUINLAN**: I move:

That so much of the standing and temporary orders be suspended as would prevent him moving a motion concerning a reference to the Standing Committee on Public Accounts.

**MS DUNDAS** (12.00): Mr Speaker, the reason why I oppose leave being given to the Treasurer to suspend standing orders is that no notice at all has been given of this motion. It was not on the notice paper, it was not on the blue. Members of the Assembly have not been told in great detail what the Treasurer is trying to achieve by moving a substantive motion. However, I do not want to debate that issue.

I am concerned about the process and that is why I do not think leave should just be granted. We need to have a proper debate about why the Treasurer is seeking to suspend standing orders.

**MRS DUNNE** (12.01): Mr Speaker, I am, in principle, in agreement with suspending the standing orders. I know that the Treasurer and his office have been in consultation with the opposition, and for that I am grateful. But I do take the point that Ms Dundas has raised that perhaps it would be useful to consult more widely.

A way out of this might be to adjourn consideration of the substantive motion until a later hour this day. This would give the Treasurer the opportunity to consult with the other members of the Assembly who have not hitherto been consulted. I and the opposition would like to see the matters which are the subject of the substantive motion referred to a committee. However, we do not have to do it at three minutes past 12. We could do it at half past four.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.02), in reply: Let me first apologise if there has been any offence. I think the motion is fairly straightforward; this is a fairly simple issue.

I have to make these comments: the consultation between my office and the office of Ms Dundas on matters relating to financial management bills in particular or the various suites of accountability legislation has been highly unsatisfactory. We have often sought opinion from Ms Dundas's office on legislation or on difficulties that we see for the

administration or the application of particular issues brought forward and, I have to say, the feedback has been sporadic at best. It has been unsatisfactory.

I have had discussions where I have actually pointed out where a particular piece of legislation or resolution that Ms Dundas has put forward would cause considerable difficulty far beyond the value that might be gained under the “keeping the bastards honest flag” and, again, the response and the consultation has been, for the record, highly unsatisfactory.

Question resolved in the affirmative, with the concurrence of an absolute majority.

## **Public Accounts—Standing Committee**

### **Reference**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.03): I move:

That:

- (1) notwithstanding the provisions of Standing Order 174—The Financial Management Amendment Bill 2003 (No 3); and
- (2) the general questions of the requirements, purpose, structure, limitations, Ministerial and associated obligations relating to the Treasurer’s Advance provisions of the *Financial Management Act 1996*, considering *inter alia* views from interested parties in the ACT and the operations of Treasurer’s Advance provisions in other jurisdictions—

be referred to the Standing Committee on Public Accounts for a public inquiry for report by no later than the sitting day of 1 April 2004.

Mr Speaker, I have moved this motion because the government is keen to ensure that any changes that are made to the Financial Management Act, and in particular the Treasurer’s Advance, are workable. I respect and will respect whatever decisions this Assembly makes in relation to that, but I think there ought to be the opportunity for a committee to take a more considered approach. The deliberations are to be conducted in the committee first rather than simply in this chamber because, as Mr Smyth rightly pointed out earlier this week, politics do pervade this place and its deliberations.

We would like to ensure that whoever is in government still has the opportunity to react by virtue of the Treasurer’s Advance to address emerging problems. Still remain accountable to the Assembly but let us make sure that we do not just go overboard on “keeping the bastards honest” and we still have a practicable base for the operation of the Financial Management Act and the use of the Treasurer’s Advance.

Debate (on motion by **Mrs Dunne**) adjourned to a later hour.

## **Rates Bill 2003**

[Cognate bill:  
Land Tax Bill 2003]

Debate resumed from 27 November 2003, on motion by **Mr Quinlan**:



12 February 2004

That this bill be agreed to in principle.

**MR SMYTH** (Leader of the Opposition) (12.07): Mr Speaker, before we begin this debate, would it be possible—and I know I am requesting this at a late stage—to consider order of the day No 1 and order of the day No 2 cognately? I assume that exactly the same arguments can be made in respect of both bills. Indeed, the bills are the result of another piece of legislation being divided. I assume the bills will be voted on in the same way.

**MR SPEAKER:** Is it the wish of the Assembly to debate executive business order of the day No 1 and order of the day No 2 cognately? There being no objection, I will allow that course to be followed.

**MR SMYTH:** Thank you, Mr Speaker, and I apologise to members for the late notice. It was suggested that we should consider the legislation in this way, given, I suspect, that the same arguments will be used for both bills. I suspect there will be support generally for both bills to get up. So with that in mind, Mr Speaker, the Canberra Liberals will support the Rates Bill 2003 and the Land Tax Bill 2003.

I will talk to the Rates Bill first. This bill represents a further important step in the development of legislation that applies in the ACT. This development involves a combination of using contemporary language, as far as it is appropriate, incorporating modern terminology and drafting practices, and resolving difficulties with amendments and other changes that may have resulted in inconsistencies in the existing legislation. Drafting exercises such as this are a major project and the opposition commends the Office of Parliamentary Counsel for their efforts in achieving the draft legislation that we are considering today.

The Rates Bill properly separates from the land tax regime in the ACT the policy framework and administration of the rating system for the ACT. As the Treasurer noted in his tabling comments, the concept of rating policy is entirely different from the concept of land tax policy. Put simply, rates are imposed on the basis of ownership of a parcel of land while land tax is imposed on the basis of the use to which a parcel of land is put.

Mr Speaker, the Rates Bill deals with a major source of revenue for the ACT budget in 2003-04, and indeed in every year. In this year the ACT will generate around \$120 million from general rates, or around 5 per cent of the estimated revenue for this year. As a consequence, this is a most important bill and it is crucial that this legislation be as clear and concise as possible.

A basic premise about all legislation that the Legislative Assembly passes is that people who are intended to be the subject of particular legislation must be able to understand their rights and obligations arising from that legislation. Clearly with legislation that is as significant as this bill, it is imperative that our community be able to understand all the elements of our rating regime. I believe that this bill is a sound outcome and will enhance our community's appreciation of the broad approach of the rating regime and of the intricacies of this regime.

I note that this bill makes no significant policy changes and that it is revenue neutral in its effect. Further, Mr Speaker, the drafting of the bill has sought to achieve an outcome that does not change the underlying legal position arising from the application of the rating regime in our community.

There is one matter, however, that I want to raise and that concerns the deferral of the obligation to pay rates on a parcel of land. For some people this is a very important issue. It does not affect many but I think we need some clarity for those it does. There have been concerns raised in recent times by people who have become aware that rates have been deferred on a parcel of land and that the deferral may have been in place for many years, leading to a considerable debt accumulating against the parcel of land. Knowledge of this debt causes some surprise to the people involved.

The concerns have been that knowledge of the fact of deferral determinations being in place typically has not been known to people who may have assumed or have taken over involvement with a parcel of land. This involvement may arise, for example, as the consequence of the death of an elderly parent or a similar circumstance.

I understand that the Commissioner for ACT Revenue has now put in place a process to advise, on a regular basis, those people who are owners of a parcel of land for which a deferral determination has been made. I would note at this point that the opposition will monitor this matter and consider whether the rates act should be amended to ensure that regular advice on deferral determinations is provided to those who are owners of such parcels of land.

There also is an associated aspect of the deferral process that I believe warrants some comment. Clause 53 (1) notes that the commissioner may give written notice of an intention to revoke a determination if the provisions of clause 52 apply. I believe that where the commissioner decides that grounds exist for such a revocation, written notice must be given to the person involved.

I think it is extraordinary that there is a provision in the bill that apparently permits a discretion in the provision of written notice of an intention to revoke a deferral. However, clause 54 (1) provides an indirect response to this concern, and that is that the commissioner may revoke a deferral only if a notice has been given under clause 53.

It would appear that my concern—that is, to ensure that written notice of an intention to revoke a deferral determination is issued—is dealt with by the bill, but only through the application of a different clause. Perhaps we need to look at it later to make sure that it has been working properly. It does seem rather clumsy but the right outcome is achieved and so, therefore, we will leave clause 53 (1) as it is at this time.

Mr Speaker, one very pleasing outcome from the drafting of the bill will be the repeal of various acts and associated subordinate legislation. Any action we can take as an assembly to streamline the statute book, as it applies in the ACT, must be beneficial to us as legislators and even more so to our community as they seek to live under and comply with a complex array of legislation to which we are all subject. As I noted at the start of my speech, the Liberal opposition will support the Rates Bill 2003.

*12 February 2004*

The opposition will also be supporting the Land Tax Bill 2003. Land tax is imposed on the basis of the use to which the parcel of land is put, or on an owner who is a corporation or a trustee, and this distinguishes the land tax regime from the rating regime.

I note that, as with the Rates Bill, this bill makes no significant policy changes and that it is revenue neutral in its effect. Further, as with the Rates Bill, the drafting of this bill has sought to achieve an outcome that does not change the underlying legal position arising from the application of the land tax regime in the ACT. As I said before, it is important for those to whom the land tax regime applies that they be able to comply with their obligations under this regime and, indeed, understand their obligations. At the same time, it is equally important to facilitate the efficient administration of this policy.

Mr Speaker, I want to make some comments on the administration of the land tax regime because I believe it is important that this Assembly understands the implications of an issue that has been raised with me about this aspect of this policy. A basic premise of the land tax regime is that it is determined on a quarterly basis, and I refer the Assembly to clause 9 (1) of the bill, which establishes this approach. I am aware, however, that a number of land owners choose to pay their land tax on an annual basis—that is, they choose to make an annual lump sum payment of their land tax. I assume those people apply to the commissioner under clause 42 to determine the annual land tax obligation for a given year.

The concern of which I have become aware is that the administrative system that supports the land tax policy does not appear to be consistent or compatible with a situation in which land owners make annual payment of their land tax. I have received complaints that, where annual payments of land tax are made, the current land tax processing system does not appear to be capable of recognising the fact of these payments. Hence, quarterly land tax assessment statements have been issued that are incorrect. I guess the annoying aspect of this situation, apart from receiving incorrect information, is the additional checking and verifying that land owners must undertake to establish the correct position with each property that is subject to the land tax.

There would appear to be an issue of a lack of flexibility in the current system that is supporting the land tax regime, and I would press the Treasurer to establish the facts of the approach to dealing with payments of an annual lump sum of land tax. Mr Speaker, the opposition will continue to monitor this aspect of the land tax system and, depending on the response to the issue of annual payments, will consider whether or not further action needs to be taken.

As I noted when speaking on the Rates Bill, it is essential that people who are intended to be subject to particular legislation must be able to understand their rights and obligations arising from that legislation. Equally, it is essential that the administrative process that support that taxing policy do so as effectively as possible while being consistent with the policy itself.

Mr Speaker, overall I believe the bill is a sound outcome to this process of reviewing the Rates and Land Tax Act. I have noted that there may be an issue on the payment of annual lump sums. However, we will be supporting both of the bills. So well done to the

Treasurer for bringing this forward and making the system somewhat simpler for people to understand.

**MS TUCKER** (12.17): As I understand it, the main effect of this bill is to separate the law on rates and on land tax. This is a reflection of the way that these measures have evolved. Rates apply to all properties, as a contribution to basic community services. Land tax applies to properties that are used to make money. The main point of this legislation is to set up a system where it is easier to coordinate concessions and exemptions.

The Treasurer presented the Rates Bill 2003 and its companion, the Land Tax Bill 2003, as containing no significant policy changes, and to some extent we are taking this on faith. The Rates Bill repeals and consolidates the different acts that used to cover separately the way rates are set and the way concessions are calculated. It takes some of its authority from the Taxation Administration Act—for instance, the setting of threshold amounts for calculating who must pay rates.

A threshold amount and a fixed charge will be set by the minister by a disallowable instrument rather than being written into the legislation. This will certainly make understanding and, no doubt, administering the law much easier. I hope it will make it easier for the government to consider whatever comes out of the Public Accounts Committee's inquiry into revenue equity and sustainability. It is up to the minister to make regulations to guide the application of concessions, but while the threshold level and fixed proportion is set by disallowable instrument, any concessions are simply notifiable.

Members would be well aware that there has been a call over the past few years for the government to implement a more robust concession scheme. Some aspects of such a scheme would need to be implemented through this legislation. We are still looking forward to seeing and discussing the outcome of the recently completed review of concessions, and hopefully that will happen sooner rather than later.

**MS DUNDAS** (12.19): The ACT Democrats will be supporting both the Rates Bill and the Land Tax Bill. Simplification of our statute book is a goal that I believe all of us would support. I can see the sense in separating the provisions relating to land tax from those relating to property rates. I can see even greater sense in incorporating the relevant provisions regarding concessions on rates into the bill that determines the amount of rates that are ordinarily payable.

I remain concerned that there is minimal community awareness in relation to the ACT system of land tax, and that includes people who sometimes invest in residential rental properties. That is not something that can be addressed through legislation. But I have heard of a number of stories of people renting out their houses whilst overseas or interstate and then receiving a huge land tax bill that they had not known was on the way. So I think we need to take some additional steps to inform prospective landlords of the tax system to avoid the strain of unanticipated bills.

Although I supported the government's bill to extend land tax to properties held in trust, I do not support the application of land tax to all properties, particularly as most jurisdictions have a threshold below which this tax does not apply. The government has

12 February 2004

clearly expressed its unwillingness to consider the impact of land tax on the cost of rent in the ACT, and I think that is a great shame. Although there is a strong relationship between supply and demand that drives rental costs, the supply side is affected by costs imposed by government. I think this is something we need to review. We should also look at other jurisdictions. We have had a rates concession review and maybe we need to have a land tax review. I remain hopeful that, as a result of the rates concession review, we will see the government introduce a fairer rates concession scheme.

Concerns have been raised again about the existing concession scheme and we need to be looking at how that impacts on people on low incomes. Whilst the government does have a formula for stamp duty concessions for households on low incomes, I think we need to extend that further and see how it impacts on rates. So we look forward to seeing in the budget a more effective rates concession scheme for low income home owners who are not pensioners.

The substantive legislation will allow changes to percentage rates, thresholds and other variables for rate calculations to be made by disallowable instrument, whereas formerly changes were required to be made through the principal act. This is something that I support because it will smooth out the administrative process but still allow debate to take place in the Assembly if there is concern about those changes.

I understand that, with the splitting of the Rates Bill and the Land Tax Bill, there is no erosion of the rights of taxpayers and ratepayers to appeal decisions relating to rates or land tax payments. Also, we are trying to simplify our statute book. So, as I said, we are happy to support this legislation.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (12.22), in reply: I thank members for their support of the bills. As the Leader of the Opposition pointed out, the bills are mainly mechanical. In fact, they are designed to make the processes more effective. They do not have any impact upon the people that are required to pay rates and land tax.

I will take note of your comments, Mr Smyth, in relation to annual payments. I will also take note of the tangential issues that Ms Dundas has thrown in in relation to the cost of rents. But let me say it disappoints me that the little hand grenade the Prime Minister threw in some time ago in relation to the part played by stamp duty in the cost of houses has got so much currency, given that we all understand that the major influences on the cost of housing and the cost of rents are market driven.

I can only repeat: please look at the effect of the first home owner's grant on house prices. Of course, the little comment that the mean and tricky John Howard put in has been picked up by the HIA and the vested interests—and you would not blame them for doing exactly what they should be doing for their members. But there should be some care taken about embracing the simplistic logic that somehow, if you reduce taxes, landlords will respond on a one-to-one basis and that, in fact, we will not be subsidising landlords.

I thank members for their support of the bills.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Land Tax Bill 2003**

Debate resumed from 27 November 2003, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.25 to 2.30 pm.**

### **Questions without notice Bushfires—insurance for firefighters**

**MR SMYTH:** My question is to Mr Wood in his role as the police and emergency services minister. Mr Wood, is it the case that, from the beginning of the bushfire season on 1 October 2003 until 24 December 2003, volunteer bushfire fighters were not indemnified or covered by workers compensation insurance and would therefore be unable to claim compensation if they were injured in the course of their duties?

**MR WOOD:** Mr Smyth, I am not aware of that. That would be a significant issue. I do not have an immediate memory that anything crossed my desk about it, but I will check that. Certainly, I will come back to you with a clear answer about it.

**MR SMYTH:** In that case, Mr Wood, would you also find out whether any claims for compensation were made against the government by volunteer bushfire fighters or members of the community fire units during that period, for either active service or while on training?

**MR WOOD:** Yes, a number of claims were made for loss of property. Is that encompassed in the first part of the question? Certainly, a number of claims, as we know, were the subject of discussion for some little time. To the best of my knowledge—

**Mr Smyth:** I am talking about this season, the current season, not 18 January last year.

**MR WOOD:** Oh, were there any compensation claims for the current season? I am not aware of any.

### **Ministerial responsibility**

**MRS BURKE:** My question is to the Minister for Education, Youth and Family Services. At what time on 11 December 2003 did the chief executive of the Department of Education, Youth and Family Services advise you that your department had been in breach of the act since May 2000?

**MS GALLAGHER:** I can check the time that the fax came through. It was some time after lunch. I will check the time that it came through, but it was in the afternoon.

**MRS BURKE:** I have a supplementary question. What reason were you given for this failure to comply with the law?

**MS GALLAGHER:** No reason was given in the document. The document simply asked me to note that the department had not met its statutory obligations in regard to advising the Community Advocate of these reports and asked that I note the action in train to address the issue. At the back of the brief there were dot points on measures that are being taken, a meeting that had been had with the Community Advocate on 10 December, and advice that the chief executive had written to the Community Advocate on the same day, I believe, advising that the situation would be corrected and information concerning reports from 1 July 2002 would be provided by the end of February.

### **Carers policy**

**MR HARGREAVES:** My question is to the Minister for Disability, Housing and Community Services. Last week you launched the caring for carers policy, an election commitment that the Stanhope government is now proud to implement. What does this policy mean for the 43,000 carers in the ACT?

**MR WOOD:** Firstly and primarily it is a recognition. That recognition is important. It is in some senses symbolic, although that symbolism is not the major aim. Carers are typically family members and friends—relatives and the like—who care for someone with a disability in an unpaid capacity. Usually they care for parents or children. It is important that that great amount of work done in the community be recognised. For many years, until fairly recently, it was not acknowledged that so much of that care is done by 40,000 or more people in the ACT. We now put that on the record.

More importantly, to back that up, we introduced a strategy. This strategy will be important as we, in the government and community agencies, provide support for carers. A lot of support is given now, particularly in respite care. But we are now better able to focus on what the community agrees are priorities. We can attend to those priorities. The funding that is already distributed can be looked at carefully. As a result of this, it will be better targeted.

The support we offer is defined in the strategy as needing to be flexible and responsive to individual needs. Obviously, it has to be of a high standard; we recognise that and we will do all that we can to support that. Through this strategy, carers will receive practical

support. That includes information, peer support, counselling and respite as some of them carry a very large burden of care over a very long time.

The interest in this was well demonstrated when I launched the policy. The room outside was packed beyond capacity and there was considerable overflow into the foyer. The government has finally been able to put something very solid onto paper. I repeat: we backed that up with substantial funding and, in recent years, increased funding.

### **Ministerial responsibility**

**MRS DUNNE:** My question is to the Minister for Education, Youth and Family Services, Ms Gallagher. Minister, you have stated on a number of occasions that you first became aware that your government had not complied with the law on 11 December 2003. What action did you take to ensure that your department complied with the law immediately you found out about that?

**MS GALLAGHER:** On reading the brief, I spoke immediately to the Chief Minister in person. I wrote to him and provided him with a copy of the brief, and referred the matter to him as the minister responsible for the public service. I wrote to Ms Hinton outlining my concerns and seeking additional information. The information I sought was on whether all the cases that had not been forwarded to the Community Advocate had been investigated fully and how many cases there were. I sought a guarantee from the department that measures and systems were in place to ensure that that did not continue to happen and I sought a guarantee from the department that they were currently meeting all their statutory obligations.

**MRS DUNNE:** So, Minister, you did not do anything to ensure that the backlog got to the Community Advocate. Why did you cover that up until 15 January?

**Mr Corbell:** She has just answered that question.

**MS GALLAGHER:** I have answered that question. The department, in their advice to me, had indicated that they had already reached agreement with the Community Advocate about the forwarding of cases. I do not think that it is any secret to anybody that it has taken some work to retrieve that information. As far as I am aware, that retrieval of information on allegations of abuse in care is still occurring. That is where we have had the numbers rising from 29 allegations relating to 23 children to 38 cases, moving in the report that the Community Advocate gave yesterday to 52 children pertaining to 62 allegations of abuse in care. One of the significant concerns about this issue is that at the time of notifying the government the department was not in a position to say how many cases there were, how many allegations there were. This is the issue of ongoing inquiry by Commissioner Vardon.

### **Child protection**

**MR STEFANIAK:** My question is the Chief Minister and Attorney-General. Yesterday, in response to a question from Mr Smyth about why the Attorney-General failed to act on comments by the Community Advocate in her annual report for 2002-03, the Attorney said:



12 February 2004

It is an important and an interesting question in the context of the three reports from the Office of the Community Advocate. The first of those covered that year when the current shadow Attorney was the Attorney and when the report was received by him.

The annual report of the Community Advocate for 2000-01 makes no mention of Family Services failing to meet its obligations under section 162 (2) of the Children and Young People Act 1999. The Community Advocate only referred to this issue in the 2001-02 annual report and the 2002-03 annual report—when Mr Stanhope was Attorney. Will he now correct the record?

**MR STANHOPE:** I was not aware that the report that covered the period while Mr Stefaniak was Attorney and minister for education and family services, the period during which these breaches of section 162 commenced, did not mention that. I will go back and read that. If I made an error in the way I characterised the three latest reports of the Community Advocate, I am more than happy to correct the record. Of course, I will not withdraw the suggestion that there is a question to be answered around the fact that during that period Mr Stefaniak was minister for family services with responsibility for those issues. He was also the Attorney-General. That first report of the Community Advocate that I referred to was addressed to him as Attorney-General. Also, I will not resile from the point I made in relation to the second of those reports—the 2001-02 report—which, whilst addressed to the Assembly through me, was immediately referred to Mr Stefaniak for examination. We need to acknowledge that the annual reports are reports by government of activities of departments and agencies.

**Mr Stefaniak:** On a point of order: under standing order 118 (a), the Chief Minister should confine his answer to the subject matter of the question. I think he is probably breaching 118 (b) as well in starting to debate the subject, which is inappropriate.

**MR SPEAKER:** The Chief Minister will come to the subject matter.

**MR STANHOPE:** I will. I will conclude with this point. The Community Advocate's reports for last year and the year before were handed to Mr Smyth, Mr Stefaniak, Mrs Dunne, Mr Pratt, Mrs Burke and Mr Cornwell on the same day that they were handed to me. Annual reports are provided to all 17 members of this Assembly on the same day.

**Mr Stefaniak:** Mr Speaker—

**MR SPEAKER:** I think the minister is entitled to refer to historical events around an important issue to put things in context.

**MR STANHOPE:** Those reports were handed to every member of this Assembly on the day that they were handed to me. On the day they were tabled in this Assembly for the information of all members as a record of the government's activities they were referred to a select committee. The report of the Community Advocate was referred to a select committee chaired by Mr Stefaniak. It was referred to him under terms of reference that required him to examine, investigate and report to the Assembly on the contents of that report. Mr Stefaniak, as chair of that committee, charged by this Assembly to investigate the contents of that report, chose not to call the Community Advocate. The Community

Advocate was not called or examined. The report Mr Stefaniak tabled did not contain any reference to the activities of the Community Advocate.

**MR STEFANIAK:** I have a supplementary question. Why did the Attorney-General make this incorrect statement about the 2000-01 annual report by the Community Advocate, given that he has acknowledged that he had not read the Community Advocate's annual reports?

**MR STANHOPE:** I indicated earlier that if I have inadvertently referred to the content of that 2000-01 report, I am more than happy to correct the record. I will have to go away and look at that. However, I have made the point—particularly as every member of this Assembly had that report, and in the questioning in the past few days we have been given to believe that every member of the opposition reads every report—that one wonders why Mr Stefaniak did not seek to examine the Community Advocate in relation to her report of 2001-02, if these matters are of such moment to him. One wonders what Mr Smyth made of the 2001-02 and the 2002-03 reports of the Community Advocate. Mr Smyth is keen on talking the talk, but did Mr Smyth walk the walk in relation to the Community Advocate's report, and if not why not? Why did he not raise these matters when he read those reports?

### **Child protection**

**MR CORNWELL:** Mr Speaker, my question is to the Chief Minister. Chief Minister, yesterday when asked by Mr Smyth when you became aware of the Community Advocate's concerns, as expressed in two successive annual reports, you stated eventually after several minutes of waffle:

The significance of that reference certainly was not grasped by anybody in my office or by me. I was not aware of it, I had not read it and it was not drawn to my attention. That is why I had not responded to it specifically. I regret that. It is a matter of enormous regret to me that I did not know of that particular reference in the report.

In this response you acknowledged that the head of Justice and Community Safety had not alerted you to this issue. Why therefore have you appointed that person to the role, even in an acting capacity, in the Department of Education, Youth and Family Services, having stood down the chief executive of that department?

**MR STANHOPE:** I think, paraphrased, Mr Cornwell's question is why haven't I sacked Tim Keady. I think it is a quite remarkable question. Who else do you want us to sack, Mr Cornwell?

The Community Advocate's report is a report required by an act of this Assembly to be provided to this Assembly as a record of the activities of that particular agency. That is what annual reports are. Let us go back and understand what annual reports are for. Annual reports are a basic accountability measure. They are a report of governmental and agency activities and they are provided to the Assembly by government agencies, government departments and government instrumentalities. They are passed to the Assembly through the minister. They are tabled by the Manager of Government Business. We all have access to them on the day they are tabled.

12 February 2004

Most essentially, reports are a record to the people of Canberra, through elected representatives in the Assembly, and they provide that essential and basic accountability measure. That is why the Assembly then appoints committees of the Assembly to examine, investigate and report on those reports and they report back to the Assembly. That is the accountability measure. It is the government reporting. And the government reported. The Community Advocate raised these issues. The information was provided. It was not covered up. The information was raised by the Community Advocate in her reports. It was provided to each of us, to all 17 of us, and it is a matter of enormous regret—and we acknowledge that on this side—that of the 17 of us, none of us noticed it specifically and took the action which each of us now wish we had.

The government is prepared to stand here and say and acknowledge its regret that we as members of this Assembly did not specifically note those references in those reports. Those reports were provided to all 17 members. They were provided to us and they were provided to you. We stand here and express regret that the matters were not brought to our specific attention and that we did not grasp their significance and import.

You knew about it, it was there for you to see and you did not speak up. We have expressed regret that we did not because those matters, as I say, were not brought to our specific attention and did not enter our consciousness as matters that required the action which this government has now taken.

We are aware of the matter. It is to the minister's enormous credit that, upon being advised of the significance of these omissions, she immediately took steps to ensure that the problem which had persisted for so many years is to be rectified—a problem with its genesis in the period of Mr Stefaniak's ministership.

**MR CORNWELL:** Mr Speaker, I ask a supplementary question. Given that the majority of members received the report for the first time in this chamber, when were you told about this debacle?

**MR STANHOPE:** When was it first brought to my attention specifically? It was specifically brought to my attention by Ms Gallagher on—I would have to check records—

**Ms Gallagher:** On 11 December.

**MR STANHOPE:** Ms Gallagher says on the 11th. I am aware that the matter was raised by Mr Hargreaves the week before that. I did not realise its significance at the time and nor did, it appears, other members of the committee. So I was aware of an issue but not of its significance specifically a week before that date.

### **Ambulance officer—recruitment**

**MR PRATT:** My question without notice is directed to the minister for emergency services. *Today Tonight* on Monday, 2 February and WIN news on Tuesday, 3 February reported that Mr Brian McManus was employed in the ACT as a paramedic after being dismissed from employment as an ambulance officer in New South Wales for stealing drugs while on duty and injecting on his days off. How was Mr McManus able to be

employed in the ACT with his questionable employment history in the Ambulance Service of NSW? Why is the recruitment process so flawed that it allowed him to be employed in the ACT? How could he be employed as a paramedic when he was qualified only as an ambulance officer?

**MR WOOD:** Although I did not see the *Today Tonight* program I am aware that it referred not only to Mr McManus; it referred also to two or three other people who were able to obtain employment by providing fraudulent documents and wrong advice. Mr McManus was employed as a paramedic in the ACT because the referees who were routinely telephoned to obtain information about him did not tell the truth. Members would be aware of the recruitment process. Referees are routinely telephoned and sometimes they are required to respond in writing. I understand that that is fairly standard procedure. I agree with the sentiments expressed earlier by Mr Pratt. We should be able to obtain accurate advice from referees when we are appointing paramedics.

Mr McManus was appointed for a probationary period. However, his drug-taking record became known before the completion of his probationary period and he was immediately dismissed. This issue raises significant concerns for all employers, in particular the ACT government. In a sensitive area such as this we will have to review the way in which applications are screened in the ACT. The Department of Emergency Services is now considering what course of action to follow in the future. We have to determine whether referees' reports are made in writing or whether they should be asked to make a statutory declaration. We have to ensure that their reports are accurate and reliable.

**MR PRATT:** I ask a supplementary question. Will the minister confirm information that I have received that Mr McManus was also employed as a nurse in the ACT hospital system?

**MR WOOD:** I am not aware of that issue, so I can neither confirm nor deny it. I will seek information from Mr Corbell and establish whether or not he is able to advise the member. In response to an earlier question asked by Mr Smyth, and after having gone through my mental filing system, I am aware of some activity relating to indemnity. I will obtain those details for the member.

**Mr Pratt:** Will the minister confirm whether or not he will resolve the issue to which I referred earlier?

**MR WOOD:** Yes.

### **Kaleen horse paddocks**

**MS DUNDAS:** My question is also to the Minister for Urban Services. Minister, I understand from the plans for the Gungahlin Drive extension that it will go through the current Kaleen horse paddocks. Once the road has been constructed, and during construction, will the government permit horse owners to continue agisting horses on the existing paddocks?

**MR WOOD:** Ms Dundas, I cannot answer that question. I know there has been considerable discussion over a long period about groups or householders who believe they are affected by the new extension. I have been there and surveyed where the road is

12 February 2004

going from those horse paddocks. I will get back to you with advice as to the future of those paddocks and the horses that are agisted there.

**MS DUNDAS:** Thank you, Minister. I cannot understand why you cannot answer the question. Will you be working to identify an alternative site, such as the pasture near the old 2XX site on Bellenden Road, if it is the case that the horses cannot continue to be agisted there?

**MR WOOD:** The management of horse paddocks is also controlled by the Department of Urban Services so I will report to you what other sites are available. There are many sites. Some of them have been affected more recently, as you know, by Paterson's curse and horses had to be removed. However, I will find out for you where these horses will go.

### **Pharmacies—establishment in supermarkets**

**MRS CROSS:** My question is to the Minister for Health, Mr Corbell. As you will no doubt recall, in October last year a motion presented in my name passed through this Assembly unanimously supporting the concept of not allowing pharmacies to be set up within the premises of a supermarket. Following this, it has come to my attention that a pharmacist has approached a supermarket in Gowrie to set up a pharmacy within the walls of this supermarket. Minister, are you and this government aware of plans by a local pharmacist to establish a pharmacy within the walls of a local supermarket in the suburb of Gowrie?

**MR CORBELL:** No, I am not aware of that proposal.

**MRS CROSS:** I ask a supplementary question. What is the government doing to ensure that pharmacies in the ACT cannot be established within the walls of a supermarket?

**MR CORBELL:** This is a difficult policy issue and not one on which this government has formed a view. The first and foremost issue is public safety: can we be assured that the operation of a pharmacy is being undertaken by those who have the qualifications to administer and prescribe drugs safely and in accordance with the appropriate procedures? Our pharmacy controls are stringent; they require that only a registered pharmacist undertake that work. So in the context of public safety, which has to be the first and most important priority, I have every confidence in our existing regulations.

That then raises the issue of whether it is appropriate for a pharmacy to be located within a supermarket. This is essentially not an issue of public safety; it is an issue of the perception held by some pharmacists and some in the community that the operation of pharmacies in supermarkets can undermine the operation of stand-alone community pharmacies, and the perception of others that the location of a pharmacy in a supermarket will add convenience to consumers and an opportunity to access services from a pharmacist that they would not otherwise be able to do, particularly—it has been suggested by some—after-hours. Members would be aware that the number of after-hours pharmacies in the ACT is extremely limited. I think only one pharmacy in Lyneham operates outside normal trading hours.

The community needs to have a debate about that issue. The government's primary obligation is to ensure patient safety. Given the strict controls we have on who operates a pharmacy and who can own a pharmacy, we feel confident that patient safety is being adequately protected.

### **Draft water strategy**

**MS TUCKER:** My question is to the Minister for Environment, Mr Stanhope. The draft ACT water strategy "Think water, act water" did not include an analysis of the environmental costs of any of the options. When asked a question about that on 26 November 2003, the minister confirmed that there was a preparedness to spell out much more clearly the environmental impacts of the range of options, including dams. Also, there was a commitment to making available to the community a full environmental cost analysis of each option.

I understand that no such information has been circulated at the community forums, even though those forums have been hearing from people about their preference for or against the construction of a new dam. Why did you not ensure that the community was provided with a rigorous evaluation of the impacts of the various choices being presented when you were asking for input?

**MR STANHOPE:** As I indicated in the draft water strategy, the government had asked Actew to begin a detailed analysis and assessment of options for the achieving of potential further sources of water for the ACT. I mentioned that and discussed that at some length on Tuesday of this week, I believe. The approach that the government has adopted has been to develop a water strategy. We released a draft for consultation. We are still consulting on that. Essentially, the consultations that have been held have been focused very much on the draft water strategy.

In concert with that, and as notified in the draft strategy, I have asked Actew, and have supported the cooperative arrangements that they have created with both the CSIRO and Ecowise, to develop a position paper on potential options. They have considered a number and they have refined them to three. We are just refining the content and extent of that report and I propose to release it in the very near future. It does give the first detailed analysis and understanding of the methodology that Actew, the CSIRO and Ecowise are pursuing in relation to the identification of possible options.

In the context of that, as I said, they are doing a range of work, including hydrological studies and studies in relation to climate change and the likely impacts of that on catchments or the very options that we have narrowed it down to. That work is not finalised. I understand from Actew that the last part of that work, namely, work in relation to the hydrology of the Naas Valley, is still being pursued by Ecowise on behalf of Actew. When that work has been completed, I propose to release that report. At this stage, we have not invited consultation or discussion on options specifically for a future dam. We are discussing and consulting on our water strategy, a strategy that we propose to finalise within the next few weeks.

It is the government's intention that there be a long, detailed, very credible and open consultation process on future water supply options. At this stage, it is not something that

12 February 2004

we are rushing into. This is not a decision that we are about to make. It is not a decision that is required imminently. It is not a decision that we should rush into. We are being sensible, strategic, considered and scientific in our assessment of the options that we believe should be pursued and, of course, we are doing that in concert with all experts in the ACT and the entire ACT community. Indeed, we are seeking advice and expertise from beyond the ACT at the moment. I think that the essential thrust of the question, or the allegation it contains, is not sustainable.

**MS TUCKER:** I have a supplementary question. If I have understood correctly what you said, there will be further consultation which will be informed by the analysis; so the community forums that have been held so far have been pretty much initial steps and not particularly meaningful. You are separating the question of dams from the water strategy. I am getting away with a big preamble. My supplementary question is: will you clarify what you were saying about the analysis you are getting done by, I think you said, Ecowise, the CSIRO and Actew? Is it for potential sources? I am interested in knowing whether any work is being done on providing cost-benefit analyses, environmental analyses and social analyses of the whole range of ways of dealing with supply, which does not necessarily include potential sources. It is also about looking at the potential for reducing demand. Are we going to see a full cost-benefit analysis of the potential of that, keeping in mind the impact of enhancing our resources downstream, particularly the Murray?

**MR STANHOPE:** I think that the short answer is yes. That is very much the approach we have adopted in relation to the development of the water strategy and it is certainly the approach we will adopt in relation to the work that we are doing as a matter of prudence in identifying possible future sources of supply. The water strategy itself is based entirely on the need for us to assess all of those costs in a truly sustainable way and, of course, we are looking at all of those issues. They are the principles of the water strategy and the further work that we are doing in relation to the identification of possible future options is based on those exact principles.

## **Tourism**

**MS MacDONALD:** My question is to the Minister for Business and Tourism, Mr Quinlan. Minister, you would be aware that Qantas has recently begun a direct service between Perth and Canberra, potentially opening up a lucrative new market for Canberra tourism. I am happy about that because it means I will be able to visit my nephew on a regular basis conveniently. Qantas is also offering discounted flights and holiday packages as part of the new service. What are the government and Australian Capital Tourism doing to take advantage of this opportunity?

**MR QUINLAN:** Like the recent commencement of Virgin Blue flights to and from Adelaide in September, the commencement of a direct service from Perth by Qantas has presented an ideal opportunity to tap into a tourism market that has not already been opened to us in the past.

I would like to take this opportunity to congratulate both airlines on their initiative, which I believe displays a level of confidence in the viability of today's Canberra as a destination for tourism traffic. These new routes also demonstrate the ability of

Australian Capital Tourism to respond quickly and effectively to new opportunities as they arise.

While we had some notice that the airline was going to introduce these services, Australian Capital Tourism moved quickly to ensure that there were systems in place to take advantage of the opportunity. For probably the first time, and certainly within recent memory, Qantas is promoting Canberra as a tourism destination in Perth and Western Australia. The reduced fares and holiday packages offered by Qantas in the *Sunday Times* and in the *Weekend Australian* newspapers have opened up a new tourism market in Canberra and the region.

Recent research undertaken by Australian Capital Tourism shows that Perth residents had little awareness of what the ACT and region had to offer. Perth and the broader Western Australia have not traditionally been target markets for Canberra and the region due to the time-consuming travel and expensive fares.

The focus groups conducted by Australian Capital Tourism also indicated that Canberra was considered a high-risk destination, which was similar to results of research conducted into the Adelaide market. When I say “high risk” let me ensure members that that is not high risk in terms of terrorism; it is high risk in terms of “Will we have a good time, or won’t we?” and “Will we enjoy the holiday, or won’t we?”

Australian Capital Tourism has developed a range of marketing and sales strategies to support the market campaign in Perth. The campaign will feature a Canberra exhibition stand for the very first time at the Perth holiday and travel expo in mid-March. It will also be advertising on television and in the press, offering a familiarisation program for travel agents.

Experience from the Adelaide campaign indicated that high-risk destinations have consumers consulting their travel agents for advice on what they should do and what is available. To ensure that the industry is aware of what there is to see and do here and in the region, Australian Capital Tourism is hosting familiarisation of the top 12 leisure travel agents in Perth identified by Qantas Holidays in March, so that they can experience the Canberra and capital region.

Familiarisation will be conducted for Qantas Holidays reservation staff from Perth, Melbourne, Sydney, Brisbane and Adelaide. Australian Capital Tourism is undertaking a travel industry presentation in Perth, to which all Western Australian agents will be invited, on the night of 11 March, showcasing the national capital and regional tourism product and promoting Qantas promotional fares for direct flights, which will be on sale at that time. All attendees will receive copies of the product manual, holiday planner and will be shown the new branding.

Members, you will gather that Australian Capital Tourism have been on the front foot. They have undertaken a comprehensive promotional campaign, and I am sure that it will assist both to grow tourism in the ACT and to break down the stereotyped view of Canberra from afar and, hopefully, put Canberra in a better light for people as far away as Perth. I congratulate Australian Capital Tourism for the job that they have done and are doing in this regard.



12 February 2004

**MS MacDONALD:** I thank the minister for that full answer and have a supplementary question. Minister, what other promotion and marketing activities are taking place to promote Canberra and the region as a tourism destination?

**MR QUINLAN:** We are undertaking a number of activities. We are promoting Canberra and the region as a desirable destination through a series of nine consumer travel shows and expos in 2004. Two new destinations will be added to the travel expo calendar: in addition to travel shows in Canberra's target markets of Sydney, Melbourne and Brisbane, there will also now be Perth and South Australia.

As I have said, there is potential to increase tourism to Canberra and for us to change perceptions of Canberra through the branding campaign that we have in hand, through the promotion of Canberra, through drawing people here and, hopefully, through their returning home with a better idea of the variety of experience that is available in this beautiful city.

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

## **Supplementary answers to questions without notice**

### **Child protection**

**MR STANHOPE:** Mr Speaker, in question time, the shadow attorney asked a question in relation to an answer I gave yesterday, which I undertook to seek further information on. I will clarify and formalise my response to that question.

In a brief discussion with my staff during question time, they advised me that the information I was provided in relation to the reports of the Community Advocate was based on a transcript of an interview between Chris Ullman and Heather McGregor on 16 January. Mr Ullman asks Ms McGregor, "How many annual reports should have been read by the executive and how many annual reports have you mentioned this problem in?" Ms McGregor answered, "My last three annual reports." Chris Ullman responded, "So, three years in a row?" and Ms McGregor answered, "Yes, that's correct."

It was on the basis of that transcript of an interview between Chris Ullman and Heather McGregor that I was advised that this was an issue that had been raised in the last three reports. I will also formally respond to the question that Mr Stefaniak asked.

### **Kaleen horse paddocks**

**MR WOOD:** I can now respond to Ms Dundas's question about horse paddocks. We are currently discussing the arrangements with the users of the paddocks. I am advised that that is not the horses but the owners. There was a meeting last Wednesday, and there will be another meeting in a couple of weeks time. Currently, for the paddocks that are north of Ellenborough, one proposal is to relocate them south of Ellenborough for the duration of the construction. The project is being managed by Environment ACT.

### **Bushfires—insurance for firefighters**

**MR WOOD:** As an interim response to Mr Smyth—I am not sure if I am answering all the questions he asked—under the Bushfire Act 1936, the Emergency Management Act 1999 and the Civil Law (Wrongs) Act, all volunteers have indemnity cover. On the basis of that advice, I must accept that they are covered. No workers compensation claims were made during the period 1 October 2003 to 24 December 2003, as I am advised. I am being cautious about this, Mr Smyth. You raised the issue, so you will understand my caution.

In relation to the community fire units, I am further advised that volunteers were recognised as having indemnity cover. However, some concerns were raised by the Auditor-General's report and the Government Solicitor about the extent of the cover, so an interim government guarantee was signed on 24 December 2003. My memory was a bit vague on that because I was off duty at that time. Mr Smyth, if you want me to follow up other questions, please come back to me.

### **Ministerial responsibility**

**MS GALLAGHER:** Early in question time today, responding to Mrs Burke's question about when I was first notified—it related to the first brief I received on 11 December—I incorrectly said that the chief executive met with Heather McGregor on 10 December. For the record, it was the director of Family Services, Ms Sue Birtles, who met with Heather McGregor on that day.

### **Child protection**

**MS GALLAGHER:** Also, on Tuesday during question time, Mr Stefaniak asked me when I first became aware of the Community Advocate's reporting on the Refocus program. I was first made aware of the Refocus program in an incoming brief on matters concerning the coronial inquest. It included statements that the director had provided evidence at that inquest that a number of important quality assurance mechanisms had been introduced. I have not been provided with information from the Community Advocate about her views on the Refocus program but, through departmental briefings, I was advised that she was supportive of the reforms, as can be read in her evidence to the inquiry into the rights, interests and wellbeing of children and young people.

### **Answer to question on notice**

#### **Question No 1180**

**MR SMYTH:** Mr Speaker, question No 1180 is overdue—it was due on 10 January. It was originally asked of the Chief Minister, as the minister responsible for bushfire recovery, because of claims to funding that was allocated there for a counselling service. That was redirected, so on Tuesday the question was redirected to the Health Minister. It is my understanding that there is no additional time to answer a question just because it is redirected. The original question was asked on 11 December. When will I receive an answer to this question, given that it is now 12 February?

12 February 2004

**MR CORBELL:** Mr Smyth is correct: that question has been redirected on a number of occasions. It arrived early this week with the department of health. I appreciate that there has been some delay. Whilst it was not within the control of the department of health until Monday this week, we will endeavour to answer the question as soon as possible.

## **Ministerial code of conduct Paper and statement by minister**

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

Code of Conduct for Ministers, dated February 2004.

I ask for leave to make a statement in relation to the paper.

Leave granted.

**MR STANHOPE:** It is with great pleasure that I table today a revised code of conduct for ministers. The adoption of this new code fulfils a promise made in the lead-up to the last election. The Labor Party said that in government it would review the code of conduct for ministers and strenuously apply a rigorous code. Today the government fulfils that commitment.

The values incorporated in this code—fairness, openness and responsibility—are among the government’s core values. The new code of conduct is the result of a comprehensive review of the code used by the previous ministry, involving examination of best practice standards across Australia and overseas and incorporating the principles and values that reflect the high standards expected of someone in a minister’s position of trust. The new code sets out a standard for how ministers should conduct themselves in office and the responsibilities and obligations that come with the position of minister.

However, the government does not intend to simply adopt a code and think nothing more of it. I consider that the principles and standards set out in the code apply each day a minister is in office and are relevant to each decision he or she makes. The government will not back away from the code when it suits; we will stand by it and uphold its values.

In addition to drawing on sections of the previous code, such as “official and personal conduct” and “ministers’ personal interests”, key changes to the code have been made in a number of areas. The children overboard affair in the Commonwealth and the unauthorised diversion and receipt of a member’s emails in the Assembly have demonstrated that parliamentary representatives require the support of their staff to appropriately fulfil their obligations and ethical responsibilities as public representatives.

While the code will only directly apply to ministers, a new requirement has been added that ministers ensure that, wherever relevant, their staff comply with the requirements of the code and are aware that they are obliged to support the minister’s compliance with the code. Under the code, ministers are also responsible for ensuring that their staff are

aware of their obligations of employment, whether set out in legislation, by determination, in an employment contract or in any other manner.

The code has also been strengthened with respect to the use of assets by ministers and the return of assets upon leaving office. The code also explicitly states that ministers are not to use information gained as a result of their position for their own improper gain. A section has been added stating that ministers should not appoint close relatives to positions in their own offices or any other place of employment where the minister's approval is required.

Redundant or unnecessary sections, such as a section dealing with special arrangements for Mr Moore as a minister and an independent member, have been removed. Ministers are personally responsible for complying with the code and for justifying their actions and conduct in cabinet and in the Assembly. It is not intended that issues relating to compliance or non-compliance with the code be determined or reviewed by any court, tribunal or other body. It is with pleasure that I table the revised code of conduct for ministers for the information of members.

## **Public Accounts—Standing Committee Report 6—government response**

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

Public Accounts—Standing Committee—Report 6—Review of the Auditor General's Report 7 of 2002—Financial Audits with Years Ending to 30 June 2002—Government response, together with the tabling statement.

This report was presented to the Assembly on 25 September 2003. I have also tabled a formal, short, tabling statement, which I do not think it is necessary to read into *Hansard*.

## **Child protection Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Mr Pratt and Mrs Burke proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Mrs Burke be submitted to the Assembly, namely:

Child protection in the ACT.

**MRS BURKE** (3.23): The welfare and rights of our children should be among the highest priorities for any government. In the ACT serious failings within the Department of Education, Youth and Family Services regarding child protection have been revealed. I would like to read to you an extract from a ministerial statement tabled by the minister, Ms Gallagher, on 10 February 2004. She said:

On 11 December 2003 I was informed by the chief executive of the department that the department had failed to meet its statutory obligations. In a short brief that was

*12 February 2004*

provided to me on that day the department outlined its failure, under section 162 (2) of the Children and Young People Act, to provide the Office of the Community Advocate with copies of reports regarding allegations of abuse of children in the care of the department made under the act.

She also wrote to the Chief Minister on the same day. Also, at 3.59 pm on 11 December 2003 the minister tabled the government's response to the inquiry of the Standing Committee on Community Services and Social Equity. These matters raised serious questions about whether the minister misled the Assembly on this day. This was more than three months after the initial tabling of the committee report in August 2003, when the committee was "extremely concerned at reports that Family Services had failed to comply with its obligations under the act".

With this evidence I find it extremely hard to believe the claims of the minister that she only became aware in December of the department's failings regarding the reporting of child abuse cases to the Community Advocate. Surely that response would have had to have been through the cabinet process a number of times, with a draft submission of the government's response being shown to the executive and a final clearance of the final response being signed off by cabinet.

The minister went on to say, in her ministerial statement, that she received correspondence from Ms Vardon on Friday, 6 February 2004, when Ms Gwenn Murray raised initial concerns from her inquiries. I might add that the ministerial tabling statement gets confusing here. The minister then says in the statement that the files of concern were checked on Monday, 9 January 2004. If that were the case, one would have to question exactly who in the department knew of major concerns or problems—and when—before Ms Vardon was engaged as Commissioner for Public Administration.

On 12 January 2004 the minister advised us that she received further advice and still did not go public, by way of an interim announcement, with the shattering news. The minister did not go public with this revelation until over a month later, on 15 January 2004—not the day after being advised by the chief executive on 11 December 2003. This minister has consistently maintained that she advised the community as soon as she knew. Obviously, she did not do that.

It was only on 15 January 2004 that the minister went public with the matter and finally admitted that the department failed to communicate to the Community Advocate reports of concern about children in care, as required by legislation. It has also been revealed that responses to allegations of abuse of children in care have not always been complete. The government subsequently released a four-point plan directed towards ensuring that the interests of children in the care of the territory were properly protected.

Since these revelations, my office has been inundated with calls from parents, grandparents and carers who have complained about how their reports of child abuse and/or child protection have or have not been handled. The minister is aware of some of these cases. Many other callers, however, simply will not be identified for fear of intimidation. Some people are being told they must not talk to people like me and others have simply given up trying to be heard by the department. I have advised the minister recently of my concerns about that.

All these cases have been reported to the appropriate authorities—either to the police or to the department or to both—by me and/or by the responsible adult in each case. The bottom line is that the law has been broken. This is a most serious failing. According to the standards previously set by the Chief Minister, it is a failing that requires the minister to resign.

The minister has said publicly on a couple of occasions—the latest being this morning on 2CC radio—that she does not think this matter is worthy of her resigning, or words to that effect. We must remind ourselves here of the gravity of this matter and of our responsibility as elected members in this place, where we sign an oath to uphold the laws of the territory. An even greater responsibility comes to bear with the office of minister. To whom much is given much is required.

Mr Stanhope set that standard of ministerial responsibility when, as opposition leader, he demanded that a former Chief Minister resign because a Treasury bureaucrat allegedly broke the law regarding an overnight loan for the redevelopment of Bruce Stadium. Applying the same standards of ministerial conduct, the Minister for Education, Youth and Family Services should resign because the law was not only ignored but, worse still, broken by her officials, whom she has charge over—not the other way round.

Ministers have a series of bureaucrats who work under them and who are responsible for passing on information and complying with the law. The standard set by the Chief Minister is that, if the law has been broken, the minister responsible should go. In setting that standard Mr Stanhope quoted Sir Ivor Jennings, from 30 June 1999, in the book *The Executive State: WA Inc and the Constitution*, where he said, “Each minister is responsible to parliament for the conduct of his department.” Forgive my possible naivety, but don’t we appear to have a situation here where the tail is wagging the dog? Ministers are supposed to be in charge of their departments, not the departments in charge of their ministers.

Similarly, the law has been broken regarding statutory obligations to report child abuse in the ACT, a much more serious issue than money for a redevelopment. We are talking about the welfare, safety and protection of our children. Now, all of a sudden—we hear it often, and we have heard it this week—the Chief Minister does not think anybody needs to be held accountable, least of all himself or his minister.

The silence was deafening when it came to pleas from this side of the house for the Chief Minister to produce his code of conduct for ministers. I understand that at that time it was still at the printers, where it had been for quite some time. But—surprise, surprise!—the Chief Minister finally tabled it today. I was pleased to see that. What makes the situation even more serious is that the Chief Minister and the minister received many warnings regarding problems in Family Services over a period of months—not days, months. But it appears those warnings were ignored by the government and these ministers.

Why? They are the government; they are the ones in the seat of responsibility; they are the ministers. One explanation could be the Chief Minister’s admission that he and his ministers do not read all the committee reports or annual reports. The problem for the Chief Minister is that, in successive annual reports prepared for him as Attorney-General

12 February 2004

by the Office of the Community Advocate, there are some telling comments from the Community Advocate regarding child protection. In the 2002-03 Office of the Community Advocate annual report, Heather McGregor says:

In 2002-2003, despite a statutory obligation to do so, Family Services failed to inform the OCA about any of the reports they received alleging the abuse or neglect of a child or young person for whom they had parental responsibility.

Despite a number of guarantees by Family Services, this issue remains unaddressed and of significant concern to the OCA.

Since the Chief Minister has admitted that he does not read all annual reports, it must be questioned if he has failed in his duty to respond appropriately to concerns that Family Services is not fulfilling its statutory obligations. The Chief Minister should have dealt with these concerns in the government's submission, signed off by cabinet on 8 October 2002, to a Legislative Assembly inquiry into the rights, interests and wellbeing of children and young people.

It is this committee's final report, which was instigated on 4 April 2002, that raises even more serious questions about the Stanhope government's failure to act. The committee report, tabled in the Legislative Assembly in August 2003, stated:

The Committee is extremely concerned at reports Family Services has failed to comply with its obligations under the Act.

Labor MLA John Hargreaves is the chair of this committee. It is difficult to understand why he did not push the minister to ensure that she took note of the report and the serious concern his committee had regarding Family Services' failure to comply with child abuse reporting obligations, as required by law. I am very sorry, Minister, that you are sitting there on your own now, with no colleagues behind you. Is this not important to your colleagues? I wonder.

It is even more surprising given that the chair of the committee selected 12 recommendations. I quote Mr Hargreaves. Of the total of 41 recommendations made by the committee, he singled out, because it was "standing out above all others", No 26—amendments to the Children and Young People Act to ensure that children at risk of neglect and abuse are protected. Mr Hargreaves cited that it was one that was "having a major impact on the interests, rights and wellbeing of young people in the ACT". That is on page 3337 of *Hansard* for 28 August 2003.

Did Mr Hargreaves discuss the committee report with the minister as soon as it had been tabled? If not, why not, when he deemed this to be of such major concern to him? If he did, why did the minister not do anything about it then? It must be argued that the minister has failed in her duty as a minister. The minister has made repeated comments that the first she knew of any problems regarding child abuse reporting was in December 2003, around the time the government tabled its response to the committee report. Why did she wait until January 2004 to alert the public and this Assembly?

Further, how can this possibly be when the committee's report found there was a failure to comply with obligations four months earlier, in August 2003? Surely, when the government responds to a committee report, cabinet is required to sign off on those

responses. If this had occurred, as it should have, the entire cabinet would have been aware that the committee was extremely concerned about a failure to comply with obligations under the Children and Young People Act 1999.

Let's look at the department itself. The chief executive of the Department of Education, Youth and Family Services, Fran Hinton, has admitted that she failed to act sooner. On WIN news on 16 January 2004 Ms Hinton said, "I first focused on it late last year. But clearly, on reflection, I have been aware of it." So, we know that the department were aware of it.

In this web of failure, there are three authority figures: Chief Minister Jon Stanhope, Education, Youth and Family Services, and the Department of Education, Youth and Family Services chief executive. Someone must be held accountable for such a serious breach of the law, which could have impacted adversely on the most vulnerable in our community—our children.

In response to question on notice No 402 in March last year, Minister Gallagher said:

Mandated persons who fail to report abuse and/or neglect concerns may also be subject to internal disciplinary action within their own places of employment.

It now has to be asked who will face that disciplinary action. Who will it be? The Chief Minister, for ignoring the successive warnings from the Community Advocate in annual reports, or the minister, for ignoring the warnings in a committee report, tabled in August last year, or the department's chief executive, for ignoring the number of occasions it was brought to her attention last year?

We cannot allow the accountability door to be slammed shut and the shift of blame game to continue. We in this place are to be held accountable, however unpalatable this may be at times, to the people who elected us to these positions of trust. Once we violate that trust, we do not deserve to continue to hold a position in this place. We are not immune from public scrutiny and ultimate accountability. Never let us think we are.

While the government undertakes a review to inquire into the department's serious failings, the issue of ministerial responsibility cannot simply be swept under the carpet. There is no doubt that there are many questions still to be asked and many facts yet to be uncovered; what is clear is that the law has been broken. Using the Chief Minister's own standards, ministers must be held accountable.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (3.38): As the minister responsible for this important government area, an area I hold as a priority for this government, I will always be prepared to speak in the Assembly on the matter of child protection.

The issues confronting child protection systems nationally are still being documented and investigated. Every state and territory jurisdiction is addressing the significant issues of administration and legislation concerning child protection and is reviewing its system of child advocacy and representation. Internationally, the issue has also been raised. Prime Minister Tony Blair, in introducing his landmark report *Every child matters*, stated:



*12 February 2004*

Sadly, nothing can ever absolutely guarantee that no child will ever be at risk again from abuse and violence from within their own family. But we all desperately want to see people, practices and policies in place to make sure that the risk is as small as is humanly possible.

I believe that the sentiments expressed by Mr Blair are also relevant to the debate occurring in this country as we undergo a re-evaluation of our policy framework and intervention measures. This process is now under way in the ACT, and members of this Assembly have been fully informed of the developments in this territory this week.

Government must always recognise that it will face enormous challenges with child protection. This is not to avoid responsibility for the care of children in the territory; it is to recognise it as an area of continuing reform. It is an area that needs continual work; it is a policy area that needs to be constantly reviewed; it is an area where front-line work and case evaluation must be scrutinised to guarantee that the interests of children are met.

Also, scrutiny must be conducted by people with a degree of independence in the day-to-day managing of the issue. We must look to stakeholders and community groups to play a constructive and aware role in raising their concerns. This government is the first to address these issues systematically, and the members of the Assembly will see over coming months that it has a grasp of the issues in child protection and the ability to provide solutions to the complexities inherent in the child protection system.

Child protection systems nationally are dealing with a large increase in reports and subsequent investigations. These involve two main areas: reports of abuse, where a child is exposed to physical violence or abuse; and reports of parents failing to cope with the pressures of sometimes extraordinary circumstances. Over the last decade, right across Australia, there has been a marked increase in reports of neglect, a situation which governments must address at a local level, as they often involve drug dependence, domestic violence, homelessness and poverty. These are also broader policy issues for government, cutting across many departments.

This government, in its recently announced Social Plan, has put a direct spotlight on many of these issues, and we have focused our campaigns and initiatives for the future on these issues. Our values have informed the first comprehensive plan for the future wellbeing of all citizens in the territory. We have, of course, also been focusing our attention on many of the values behind the Social Plan. With the Social Plan, though, it becomes our responsibility as the government to move from the overarching principles and visions into the intricacies of specific policy development and service delivery. We have promised greater inclusion of community groups and stakeholders, and in the area of child protection this is occurring and will increase. The ACT children's plan is in the process of being formulated, and it is just one of our strategies to address this issue.

We must be fully aware ourselves of what the key issues are in the child protection system in the ACT. We must be aware so as not to mislead public debate by misinforming our constituents on what the matters are and how government is addressing them. Making this a partisan debate falsely raises expectations as to what the role of the

government is in this matter. It is for this reason that I welcome the opportunity to speak to this matter of public importance.

Child protection is not something for which there is a government quick fix. To assert that as part of a public debate would be plain wrong. The government is not the only party involved in this matter. Society has high regard for and values the integrity of loving families. It sets a high standard for the role of government in relation to families, particularly parental relationships.

Families and parenting remain a focus for improving education on the nature of abuse and neglect in the community on the part of government at all levels and also community groups. This reflects the complexity of the issue, but it also indicates that the issue at large plays an essential role in many areas of child protection. Professionals, such as nurses, doctors, counsellors, childcare professionals and teachers, also play a role in the reporting of abuse and in raising awareness of child protection matters.

The relationship between government, families, stakeholders and community groups requires constant attention and improvement. It requires education campaigns and action from government. Despite all these attempts at greater integration and co-operation, it is not possible to say that children anywhere will always be safe. We have to recognise both the sorrow and the truth of the matter.

With this in mind, I will now turn to some of the intricacies of the way Family Services in the ACT address reports made to them regarding child abuse and the way the child protection system works in the territory. I do this to inform the Assembly more fully in this debate, as it progresses, and to address some of the misinformation being spread in the community. The key terms I will seek to provide information on are “report”, “appraisal” and the category used by some, including the OCA, which is “unsafe”.

A case is opened with a report of abuse or neglect to Family Services. Sometimes this is on the basis of scant information; sometimes it is a report by a mandated reporter under the act. Reports to Family Services about child abuse do not fit a particular form. Sometimes they refer to individual, specific instances of abuse, sometimes emotional abuse or neglect and sometimes a combination of these features. It is the role of individual child protection workers and their team leaders and supervisors to interpret all information and act appropriately. This requires high-level skills and is often done in an environment of pressure.

Family Services must then decide whether to appraise the report it receives. If an appraisal is to be conducted, it is not to determine whether each or any of these allegations are true. It is to determine whether or not the child in question has been harmed or if there is a reasonable likelihood of harm in the future. This occurs for children in the community and children in the care of the territory. These appraisals then form the basis of the department response to the situation.

This action involves an evaluation of whether a child has been significantly harmed. For example, a report may allege that a child has been physically and sexually abused. An appraisal may be made that the young child was physically abused and yet was not significantly harmed by the abuse or that the child was sexually abused and suffered harm as a result. In this example the allegation of physical harm would not be

*12 February 2004*

substantiated but a sexual abuse report would. This appraisal would then form the basis of departmental intervention.

If this occurs for a child in state care, the situation is similar. A child having been sexually abused and the report having been substantiated do not translate into fault on the part of Family Services. There is a huge difference between being assaulted by a caregiver when you are in care, which is a rare circumstance, and being sexually assaulted in the community at large. Whilst both are terrible circumstances, we can all see that a very different policy response and responsibility are attached to each of them. Unfortunately, these differences are not conveyed in the way these issues are debated.

These questions go to the heart of the matter the Assembly is currently questioning the government over. They involve the aspects the OCA is investigating and reporting on. They also fall within the current scope of the review by Commissioner Vardon. Yesterday I tabled a document from the OCA on the matters in question, and I would like to give members some guidance on reading this document.

In the document the OCA states:

Family Services may well receive, and respond to, a report regarding a child or young person in a completely appropriate manner, yet the child or young person may remain “unsafe”. That is, many children and young people are, and have been, “unsafe” for significant periods of time—sometimes years—and will remain so irrespective of what Family Services does.

This statement highlights the difficulties in the way information must be approached. Because the OCA regards someone who Family Services has had a report on as “unsafe” does not mean that Family Services has been negligent or at fault. Children sometimes abscond from foster care. In these circumstances, for example, the OCA would deem the child “unsafe”, even though there has been no fault on the part of Family Services.

In relation to the matters currently at hand, it is beneficial to explain the analysis of the figures by the OCA. Of the 52 children or young people about whom the OCA had questions, the OCA concluded, at the conclusion of the response by Family Services to reports on these children, that eight were “unsafe”. This is not to say that the reason for the children’s lack of safety had anything to do with the allegations which prompted the report to Family Services or that they had been abused in care. What it did mean was that at the time Family Services closed their initial files on these children, eight of them were still in unsafe circumstances.

This remains a concern for me, as minister, and the matter now forms part of the review by Commission Vardon. It must be stated, though, that the OCA concluded that seven of the eight children were being responded to appropriately by Family Services, while the other one now resided interstate. As I hope the Assembly can see, the issue is far more complex than the opposition would have us, or the community at large, believe.

To assist the opposition in getting a grasp of this important issue, I would like to offer them, and any crossbench members who are interested, a briefing on the workings of the child protection reporting and appraisal systems, so they can be better informed.

The failings of the department appear to be significant in relation to a number of issues concerning the processing of reports and appraisal process. These matters are currently being reviewed by Commissioner Vardon. I will look at the advice of Commissioner Vardon in constructing a government response, just as I will continue to seek guarantees from all those involved that children in the care of the territory are being appropriately cared for in difficult circumstances. I do not doubt that there will be much work to do to restore confidence in the ACT child protection system.

I hope these explanations on the workings of the child protection system address some of the misinformation being spread. I hope, even more, that these facts allay some of the community fear which has been generated by misinformation. On that matter, I accept the apology offered to me by Mrs Burke for some of the comments she has made about me and this government in past weeks. It is true that some of your comments, Mrs Burke, were wrong and malicious, but I accept your apology. I hope that you will not have cause to make further apologies to me, as this government continues to deal with the seriousness of the issue.

With all the mud that has been thrown on this matter, I hope that the system of child protection in the ACT has not also been thrown into crisis. This would occur if foster carers, the members of the community who make enormous sacrifices to look after our children, become the target of insidious criticism or have their role as voluntary caregivers undermined.

Foster carers make their contribution to child safety and support on a voluntary basis, something we should all remember. They provide care and support to children who are vulnerable and also to children who, because of their exposure to abuse or neglect, often internalise issues and display extreme reactions. For these children, foster carers are the last stop in community care. It is essential that foster carers are given adequate support throughout this process, both in terms of practical resources and the debate which is occurring.

In this increasingly partisan political environment, I hope that child protection workers, our front-line caseworkers, are not subjected to political attack. Their skills and expertise are essential for a functioning child protection system. Their work is not enviable and too few people are willing to make the sacrifice and work in the area. Nationally, there is a shortage of child protection workers, and the existing workers in this territory have to be supported throughout this debate if the system is to continue to function. It would be a disgrace if this debate forced hardworking child protection workers to reconsider their commitment to working in Family Services.

Mrs Burke made some comments about the timelines that were dealt with and her belief that, for some reason, I held back from advising the community on the situation. As I have said on a number of occasions, I was advised on 11 December and I put in train a number of interventions, one of which was to seek advice about what this problem was. That was not stated in the brief to me other than to state that we were not complying with this part of the act. I needed to know what this meant, how many children it referred to and whether investigations had been completed. I wanted some advice on resources and the pressure that Family Services were under.

12 February 2004

I received that advice, I believe—not having my notes here—on 12 January. I met the Chief Minister over 13 and 14 January. He signed a Treasurer’s Advance for the resources that I needed on 14 January, and I made a statement on the 15th. When everything I had to go to the public with was available, I went the next day. There was no delay. No children were being put at risk during that time, and measures were being put in place every single day.

For you to sit there, Mrs Burke, and say that I deliberately withheld information for a period of time is simply incorrect. When you are dealing with child protection you need to go to the community or go public with all the information. I could not go public on 11 December and say that I had been given a brief that the department was not complying with that section of that act, because the first question to me would be, “What does that mean? How many children does that mean? What has occurred?” I would have said, “I do not know yet. I am seeking the answers now.”

I went public as soon as the Treasurer’s Advance was approved. We had to speak to Commissioner Vardon, and we had to speak to experts about the review that we were putting in place. It would have been no good me going forward without a proper explanation of what the current situation was. It was all finalised late on 14 January, and I went public on the 15th. You cannot accuse me of sitting on this and not acting. It is simply incorrect, Mrs Burke. You can keep going around and saying this to everyone you like, but the reality is I have told the truth and I reacted appropriately.

**MRS DUNNE (3.53):** Mr Speaker, this matter of public importance about child protection in the ACT was brought about because of the serious failings that have come to light in the Department of Education, Youth and Family Services. It is not an easy thing to talk about. It is a matter of deep concern and regret that we are going down the path of other, larger jurisdictions where this has become a blight on the body politic and a blight on public policy.

Much has been said and much could be said about what has happened in this debate, and there has been a vast amount of speculation. I would like to stick to the facts, as much as I know them, but I would also like to ask some questions which, somewhere along the line, might be answered. This story goes back to May 2000, when a new piece of legislation was implemented: the Children and Young People Act. That did bring about some groundbreaking changes.

The next instalment of the story was when the Standing Committee on Community Services and Social Equity instituted an inquiry in April 2002 into the rights, interests and wellbeing of children and young people. That was the beginning of a process which, for whatever reason, a range of people who have higher or lesser responsibilities in this area did not observe closely enough.

We know that somewhere in the September-October period of 2002 there must have been a full cabinet consultation on the departmental submission to that committee of inquiry. When I was a staffer working in government, if there was going to be a departmental submission to an inquiry like this, it would have been signed off by the whole of government. That meant that there would have been a draft cabinet submission which would go out for consultation, and then there would be a final cabinet submission.

That would have afforded an opportunity to trigger someone to raise some questions. The Chief Minister might not read annual reports or committee reports, as he has already admitted, and it might be that his ministers do not read cabinet submissions. Perhaps they do not read them before they sign them off, and perhaps they do not read them before they go to cabinet—and perhaps it is not in the new code of ministerial conduct that they should read things that they are statutorily responsible for.

Some time in October the Minister for Education, Youth and Family Services made a submission to the inquiry. It seems that there was nothing in that process that was a trigger to the minister or any of her colleagues that there was something wrong. On 27 February 2003 the Community Advocate gave evidence to that committee. When I was a staffer I was required to take an interest. I wonder whether there was anyone in the minister's office who actually listened to the evidence.

I know that some ministers' staff listen when committees of inquiry are going on because I have got feedback from some of those staff about evidence before committees that I have run, and it seems to me that there was another trigger for someone to say, "Hey, something's not quite right here." It seems that no-one paid attention to the evidence. The committee obviously paid attention to the evidence of the committee inquiry, but no-one who was listening took it in.

I commend the committee because the committee is very straightforward. It signed off on its report on 19 August and it reported on 28 August. A few bits should be quoted to be put on the record. Paragraph 6.23 says:

The Committee is extremely concerned at reports Family Services has failed to comply with its obligations under the Act.

In answer to a question the day before yesterday, the minister said that, on reading the paragraph, it was very ambiguous. I know that I am older than the minister and went to school in the olden days, and it might have something to do with the way people were taught to read in the 1980s, but I do not understand what could be ambiguous about this:

The Committee is extremely concerned at reports Family Services has failed to comply with its obligations under the Act.

Paragraph 6.27 reads:

It is disturbing that the OCA had to make 45 applications to the Children's Court in 2001-02 for an order that a report be provided. No less disturbing is the statement that the Chief Executive responded to just 3% of all letters written by the OCA in regard to concerns over Review Reports.

I have come recently to this issue, and I do not have the benefit of an incoming minister's brief and being in touch with what is happening all the time, but I read that once and I understood it. I understood it the first time. What did the minister read? Was she in the same time-space vortex as the rest of us when we read this report?

Concerns are raised later. The report says, at paragraph 6.52, that the committee is greatly encouraged about the Refocus program, but at paragraph 6.57 it states:

12 February 2004

While the Committee is not recommending, at this stage, an inquiry into ACT Family Services or an inquiry solely on care and protection, it does believe it is necessary for the Government to report back to the community on the implementation of the Committee's recommendations...

They go on to say that they will be seeking regular updates.

Mr Deputy Speaker, there are a number of triggers in those two or three pages that should have sent alarm bells ringing amongst people who knew what they were about. At this stage, the minister says, in her defence, that it was ambiguous. I am concerned about ambiguity because, although, as the minister has explained, this issue is complex, while being very complex it is also very simple.

Ministers and people in government departments are charged in this instance with protecting our most vulnerable. It seems that a lot can be said in a grandstanding way about whether laws were broken, what was going on at particular times and who did what to whom. A lot has been said in previous assemblies about the breaking of laws. There was the overnight loan which, according to the Chief Minister, was the breaking of a law because of which heads had to roll.

When we were talking about a broken law over Bruce Stadium, we were talking about the quality and the colour of grass. We were talking about money. What Mrs Burke has been talking about for the past month or so is not money, and it is not the colour of grass. It is our children, it is our heritage, it is what we leave behind. We cannot now hide behind words like "ambiguity". When you put the evidence before you, alarm bells should have been ringing long before a fax arrived.

**MR HARGREAVES (4.02):** I want to put on the record one of the major reasons why the committee raised the issue. Certainly, it had concerns about the safety of children. We all have them, and for anybody to suggest that we do not is absolute nonsense. We were concerned because we understood from the OCA and from a number of other sources that for years and years the statutory obligation had not been discharged.

We tried to satisfy ourselves on our committee that, whether kids were safe or not, we were talking about the rights, interests and wellbeing of children. Of course, the issue in our report goes to whether somebody had discharged a statutory obligation or not. I quote from a letter of 23 January this year from the OCA to the Chief Minister. She gives a chronology of some events that are salient to this debate.

On 30 April 1996 the then Attorney-General Bill Stefaniak wrote to me, the OCA, ensuring me that I would be informed of all reports of abuse in care. This followed extensive lobbying of Family Services on the part of the OCA, as abuse in care had always been a key concern.

In 1996 in April the then Attorney-General Bill Stefaniak said he would do that. What happened? Nothing. In May 2000 the new Children and Young People Act commenced. This act required the chief executive to provide to the Community Advocate records of reports made about children for whom she has parental responsibility. The election was in October 2001. Between May 2000 and October 2001, what did the minister for family services do? Nothing. Was there a report to the OCA? No. There was, however, a stream

of letters from the OCA to the department saying, “Where is it, where is it, where is it?” Indeed, there was a stream of letters even after the election.

That is the reason why the committee wanted to get this thing on the table, and I have to say to you that the committee has achieved its aims. My concern was that the CEO of the Department of Education, Youth and Family Services had not discharged her statutory obligations. I am confident of the recent opinion of the OCA, which the minister has given us and shared in writing, that none of the seven kids are unsafe.

It is indicative of the front-line officers of the Department of Education, Youth and Family Services, who have the welfare of their charges in hand, that they are actually doing it. What was happening was that the statutory obligation was not being discharged, and I congratulate the Chief Minister and the minister for education on their action of bringing accountability to the non-discharge of statutory obligation, reviewing the area and ensuring that extra funds are provided to address any shortfall.

You can argue the toss on how long it took. How long is a piece of string? I can tell you that the action of these ministers has been immensely speedy, when you consider the five years of neglect that went on before it. The points raised in the report of the Standing Committee on Community Services and Social Equity had been addressed properly. Mrs Burke is spreading fear. The ministers are making sure that the kids are safe. There is a big difference there.

From 1996, those opposite had stewardship for five years and nothing happened. Contrast this with the mere 12 months that Ms Gallagher has been in this portfolio. Contrast this with the number of weeks that she was aware of what happened and what she did: the CEO has been transferred to another position, and independent experts have been brought in from outside the territory to review the problem—it is in the hands of the Commissioner for Public Administration—and a lot of money has been brought forward to make sure the issue is resourced properly.

She has acted to redress your deficiencies. Let’s get to the heart of this issue. The real issue that the CSSE report talked about was a statutory deficiency, and it is now being addressed. The committee has achieved its aims, and I thank the ministers for achieving that. What are you criticising the minister and the Chief Minister—and me—for? For doing something about non-compliance?

Your record of five years of non-compliance is shameful. You spent five years oblivious of whether children in care were safe. The first thing this minister did was determine whether the kids were safe, and they are. This minister determined, through advice from the OCA, that the kids were safe and moved to make sure that they stayed that way. I congratulate her on her work.

**MRS CROSS (4.08):** Mr Deputy Speaker, I am sure that we all accord the highest priority to the protection of the child and that we are all concerned, even dismayed, at the lapses that have occurred in aspects of the administration of child protection. We all expect a rigorous examination of how those lapses were permitted to occur, and we all expect firm action to be taken where wrong conduct is identified. That is the point that we have reached at the moment. Undertakings have been given that the investigation of the Commissioner for Public Administration will be rigorous and that appropriate action



*12 February 2004*

will be taken. If the process fails to meet expectations, we will have a right to express our disappointment.

We should now cease raking over this matter in the chamber. I will go further and say that harping on about the matter only adds to the damage that has already been done by the wide publicity the matter has received and the rash of comment—some of it ill-advised and no doubt for personal or political gain—that the publicity has attracted. The damage I am referring to is not damage to the government; they should be big enough to wear that if they have to. I am referring to the steady damage that is being done to those courageous and selfless souls in the community who undertake the work of caring for and fostering children whose lives have already been marked by sadness, sometimes terribly so.

The debt we as a community owe those people is greater than we will ever be able to repay. I have it directly from within the community of carers and fosterers that the ongoing debate has sparked a mounting and genuine concern that if the beat-up continues it will erode confidence in foster care and make it even more difficult to attract people who are willing to undertake what is in many ways a thankless task.

While we continue to circle this subject, carping and worrying it to death in a self-serving way, we are in danger of forgetting that, by continuing this debate at this time, we are not doing any good for those dedicated, brave and true people involved with fostering caring. In fact, it is harming them. It is allowing stigma to grow and confidence to fall. It is making their task harder than it already is, and it is downright unfair. So if we have a heart, let's listen to it and agree to stop perpetuating this pointless debate now and wait for the investigation to run its course.

During an interview that Mike Jeffreys from 2CC conducted with me yesterday morning, I was rather puzzled about a number of issues. On the child protection issue he referred to a ministerial staffer and whether that ministerial staffer should be sacked. Would I support such a thing, and would I support a censure put forward by the opposition, given that I am a friend of Katy Gallagher?

I was rather surprised by both these things. Firstly, I was stunned that a radio announcer would mention the name of a staffer. Did I wonder who gave him that little titbit? It had the smell of a Liberal all over it. I thought, "I have no comment to make," and I said, "If a staffer is found to be negligent, that's up to the office to decide." But I found it rather shocking that that would be raised, given that there is a protocol—so I have been educated in this place—that staffers are off limits. It is a shame that the ones that actually do harm to this place never get into trouble and those that go about their business in a dedicated and quiet way are mentioned during a radio interview.

Mr Jeffreys asked whether I would support a censure motion put forward by the opposition, given that I am a friend of the minister. I mentioned that I have many friends in this place but, irrespective of my friendship with this person, whom I consider to have very high morals, self-esteem and integrity, I would never compromise my integrity or the welfare of the community for anybody, including a friend. One of the reasons I sit in this part of the chamber is that I was not prepared to condone a cover-up.

Why a ministerial staffer's name was bandied about on radio was puzzling. Who gave that name to the radio station? This issue has turned into a dirty political game at the expense of child protection—just for a little media gratification and political point-scoring. It is done at the expense of the inquiry and its dedicated people in the department.

I will close with this: there are some self-proclaimed political geniuses in this place who come up with sporadic ideas thinking they will get a brownie point or a line in the newspaper. This is one time those self-proclaimed political geniuses could stay behind their desks in their offices and come up with something of value to the community, rather than looking at compromising an inquiry that in the end is in the interests of the children in this city.

**MS DUNDAS (4.15):** I thought that today we were going to debate child protection in the ACT and hopefully come up with some strategies about how to further support our children in the territory, as opposed to having a rehash of the debates which have occurred during question time. Due to recent revelations, I believe we have an opportunity to achieve some positive outcomes. I am hopeful that the current review of child protection in the territory will give us an opportunity to move forward and discuss better models and ideas for child protection from around the world. I am equally hopeful that the review will find that more resources need to go into youth and family services and that child protection workers, in particular, in the ACT need to be better paid and supported, as do a lot of the frontline workers.

Similar reviews have taken place in other jurisdictions. Out of these reviews has come a renewed focus on how child protection agencies operate. In Queensland, the government has in place a 24-hour a day service to support children and families. The service is meant to troubleshoot difficulties and ensure healthier homes. Whilst we have had a commitment from the government to increase staffing numbers, these are still at a level of concern. We must therefore address underlying issues and provide practical support for staff and for kids at risk of abuse or neglect in their homes.

The federal government is sponsoring a 24-hour a day helpline for carers, with the provision of respite. These are innovative ideas that we may need to look at implementing to help child protection workers here in the territory, because disadvantaged families should not be left to face difficulties alone. Family counselling, respite support, health advice, dispute resolution and help with substance abuse problems are all necessary to help people become good parents to their kids.

We should be looking at the kind of model we want in the ACT for a commissioner for children and young people. That is referred to in chapter 10 of the community services report, where the committee recommended the appointment of a commissioner for children and young people to support young people in the ACT community. I was pleased to see that the government supported that recommendation and have committed themselves to a process. We have seen the position of commissioner for children and young people work successfully in New South Wales, Queensland and Tasmania. Victoria and South Australia are also heading down that path.

12 February 2004

We need to respect children's rights, recognise the fact that they have a voice in this community and support them to speak out about events that impact on them. I refer not just to children who are suffering abuse but to all young people. I think it should also be recognised that the issue of child protection has demanded greater attention and priority since the revelations put forth by the Minister for Education, Youth and Family Services.

It is incumbent on politicians of all persuasions to ensure that events like these never happen again. Reviews of the system must be undertaken regularly, not in an endeavour to find fault with child protection workers or public servants—or even crusades to pursue ministers—to continue to ensure first class services for children and to ensure that these services always operate at best practice. Never again should youth and family services have their budgets cut or be left to stagnate. No surplus is worth endangering our children.

I would like to talk specifically about the issue of child abuse and the fact that we need to stop the problem of child abuse. We must tackle the problem in a threefold process using education, cure and legislation. Our children, young people and adults must be educated on the value of human rights and they must be taught that they are worthwhile human beings. The cure element of the solution would support all families and children who need support. There is legislation in place to protect the rights of children, young people and their families. That legislation is being reviewed, but we need a department that is able to carry out that policy.

**MR DEPUTY SPEAKER:** You have four minutes, Ms Tucker.

**MS TUCKER** (4.19): I will be brief. I will make just a couple of points. I also thought this debate was going to be about child protection. I have quite a few pages of notes that I intended to read out about how we can ensure the protection of children in the ACT. But this is clearly more about the smell of blood that Mrs Burke has for Ms Gallagher at the moment and about her desire to punish Ms Gallagher. I find it quite strange that Mrs Burke did not simply move a censure motion or something, because that is clearly what she is aiming at.

If a censure motion were brought into this place on this issue at this point in time, I would be expanding the motion to include the opposition, and myself as a member of the Legal Affairs Committee. I have raised this issue and responded to concerns about this matter many times. Mrs Burke certainly was not across the issue at all when it first came to light after the minister took the initiative on the matter. So there has been a general failure of the opposition in that regard. As I said, I include myself in that comment.

We have seen the Minister for Education, Youth and Family Services taking responsibility and showing initiative in a way that I have never before seen in this place. Rather than the blood-letting, I am really interested in seeing that we look at how we can improve child protection. This is a really big question. As I said, I have five or six pages of notes here on how that can be done, but I am not going to have time to present them today.

I support the Minister for Education, Youth and Family Services, Ms Gallagher. I support what she is trying to do. We need to watch closely to see how these

recommendations are implemented. As members, we all need to look at our performance in this area. I can tell you that none of us has been rigorous enough in dealing with these issues. To some degree, that is a result of the workload we have in this place, but this is also our responsibility.

**MR STEFANIAK (4.22):** I think Mr Hargreaves will find that it was Mr Humphries who was Attorney-General in 1996—he had better check that. Briefly, big steps have been taken. Mandatory reporting was introduced in 1996 and then the current act came into being. Obviously, a lot more needs to be done. I am most concerned to hear that there are still problems with mandatory reporting of occurrences. I have raised here on a number of instances the horrible death of a poor little six-year-old girl and the fact that about eight people could have reported it. They could have done so; mere common sense would tell you that. There have been a couple of other instances recently. One was the case of a little girl who wandered off and drowned while her parents were doped out.

In talking to a representative of the prosecutors' association today, I heard that there are still problems with how the act is administered when matters go to court. There are important issues that need resolving in that regard. I have run out of time, but I wanted to make those points because this is a serious issue. We are protecting young people's lives and these issues desperately need to be taken into account, regardless of the outcome of whatever else we will be doing in relation to these recent reports.

**MR DEPUTY SPEAKER:** The time for the discussion has expired

## **Dangerous Substances Bill 2003**

Debate resumed from 11 December 2003, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

**MR PRATT (4.23):** In speaking to the Minister for Education, Youth and Family Services, I was very pleased to hear that she is willing to consider adjourning the passage of this bill today. I am pleased that the minister has told me that she too would like to go at least to the in-principle stage and terminate the matter there today.

We know that the Dangerous Substances Bill 2003 aims to protect people, property and the environment from harm. We know that the Labor government believe that new legislation is needed because the current ACT legislation, from 1975, is out of date. We also know that the bill aims to provide national and international harmonisation with similar legislation—namely, the nationally agreed standards for the transport, storage and handling of dangerous substances and explosives.

The Labor government's intentions in tabling this bill are honourable—there is no doubt at all about that. We also believe that there is a place in the community for large chunks of this legislation. I do not agree with all of it, but there are some very good parts of the legislation. However, there are gaps in both the legislation and the consultation process surrounding the legislation that the government has not addressed to the Liberal opposition's satisfaction.

*12 February 2004*

I will speak later to the amendments that have been circulated in my name, although I may not need to do so now. I will see what the minister has to say when she responds. However, if the minister does seek to push the bill through, we can talk about those amendments later, if necessary. In terms of this debate and an adjourned debate that may occur in March, I flag here and now that the core element of my amendments relates—nobody will be surprised to hear this—to fireworks.

There are other gaps that were exposed in a briefing session that I attended with the Office of Industrial Relations at ACT WorkCover on 19 January 2004. The gaps relate to issues such as the safe and legal disposal of explosives. If we do get an adjournment today, I would like to see these areas addressed in the next two to three weeks.

This legislation states that people who purchase consumer fireworks in the week leading up to the June long weekend must use those fireworks by the end of the prescribed time on the Monday of the long weekend. Anybody who has unused consumer fireworks in their possession on the Tuesday morning will be breaching the legislation.

However, there is to be no planned amnesty to hand unused consumer fireworks in to the government, and there has been no proper method of disposal communicated by the government to the public. Therefore, members of the public could, unbeknown to them, be breaking the law simply because they have some unused legal consumer fireworks stored away for next year, with no intention of using them in any illegal manner.

In addition, I have to question the level of communication to the public, planned by the government and ACT WorkCover, about the new legislation and related penalties proposed to come into effect on 31 March 2004. At the time of the briefing, this seemed to be unaddressed by the legislation.

From a business point of view, the legislation proposes certain guidelines for storing and handling dangerous substances that, among other things, require structures to be placed around these substances. Canberra businesses will have to bear the financial burden of new structures to comply with the legislation. That is why they need time to address the detail of this bill, among other things.

Have Canberra businesses been told about the additional costs they will undoubtedly have to incur because of this legislation? It is a fundamental question. I think not. The government want to rush this legislation through to prepare for the coming June long weekend, and I can understand their objective. Have Canberra businesses, though, been given sufficient information about the costs they will be liable for after 31 March 2004, so that they can factor that into their budgets? I would have to say that the answer to that is no. I think that, at this point, a sizeable number of ACT businesses have no idea about that.

That leads me to the issue of the consultation process surrounding the legislation. The legislation was tabled in the Assembly in December 2003. It has been pushed by the government for debate in the February sitting period primarily to enable the government to prepare for the June long weekend fireworks. That is an understandable objective but I would maintain that, in so doing, little opportunity is being given for proper consultation.

As far as the Liberal opposition is concerned, there has not been sufficient time to properly consult on and consider this legislation, particularly as it was introduced over the Christmas-New Year period when holidays were taken by the government, public servants, the opposition and businesses across Canberra.

In talking to the regional director of Australian Business Ltd, he pointed out that any time after 15 December through to 1 February is a difficult period for people like him to be able to consult with their members, because many people go away. Kids are on holidays at that time and families travel.

The Liberal opposition was briefed on this legislation less than a month ago. It is claimed that the business community was briefed by the government, but it must be said that priority was given to the fireworks industry and that the broader business community was not given much priority. Neither the ACT branch nor the head office in Sydney of Australian Business Ltd was formally consulted on the legislation. So a major business representative organisation was not consulted on this legislation, although the legislation has the potential to impact negatively on Canberra business.

In one sense I can see how legislation would achieve safety management aims, but there is going to be a cost to business. In some cases that may be an improper and unfair cost. Therefore, whilst business needs to be prepared to act responsibly and take on board some of the principles or tenets of this legislation, which I would support, they need to have their chance to say, "Minister, perhaps some of these issues are going to cost us unfairly. Can provision be made to cater for those concerns?"

Many Canberra businesses are confused about this legislation. That is only because of the short timeframe between tabling and debate. I am sure that, once they have had sufficient time to look at it, they will not be confused, but at the moment they are somewhat confused. Many people in the business community are saying that. There are certainly some who are saying that they are quite happy with what they see—there is no doubt about that. Let us not play silly fellows here. There are some who have had the time to consider the legislation. They understand what is going to happen but still want to talk to the minister and the department about making what they see as necessary adjustments. But those who have not seen the legislation are not particularly happy and we must ensure that they get that chance.

The government may have consulted certain business groups and businesses on this legislation when it was being developed, but we believe that sufficient consultation is also needed between tabling and debate of the legislation. We know that some of the draft material that is used in consultation in the weeks leading up to tabling may change, and the proof of the pudding is in what happens when the minister tables her legislation. We then know what we are going to be looking at. Stakeholders must also have that opportunity. Businesses and business groups were clearly not given enough time to look at the legislation, to comprehend and consider carefully the final version of the bill, and apply it to their businesses and cost out any impact it may have on them and their budgets. It is very important that operational impacts are looked at.

We also have concerns about some of the strict liability penalties the legislation proposes for breaches. For example, the bill proposes to enforce seven-year jail terms, \$1 million

12 February 2004

finances for corporations and \$200,000 fines for individuals for breaches of certain sections of the legislation. However, we cannot present any amendments on these issues, as I would like to, as the business community across Canberra have not been consulted sufficiently to enable them to achieve satisfactory alternative penalties to the ones proposed here today.

I see that the Democrats have some ideas on how that might be addressed. At first blush their ideas looked pretty good to me, but I hope we will have time to be able to consult a little more broadly. While it is clear that the government has undertaken adequate consultation over a few months, particularly with businesses involved in the fireworks industry, it has not really consulted to any reasonable degree with the remainder of the business community.

Whilst the legislation might have gone out to businesses and industries known to handle prescriptive substances—for example, explosives and fuels—and those on the ACT WorkCover registry, we are not confident that all representative agencies on the ACT WorkCover registry and elsewhere were consulted. As I was saying, many businesses and their representative agencies had little idea that this legislation was indeed coming on.

We are talking about the hundreds of small and medium businesses dealing in minor fuels and spirits, pool and cleaning chemicals, powders and cleaning agents, that are going to have to significantly change the way they operate. As I was saying before, these businesses needed the opportunity to provide input to the legislation after it was tabled so that fine-tuning might occur where there are inequities or impracticalities, or where there is a degree of unfairness. I hope the government will now provide that opportunity. One minute before I was to stand to give this speech, the minister indicated that she would like to delay the detail stage of the debate. Perhaps that consultation is going to occur.

The consultation process by the government on the completed legislation was lacking and I hope they will now rectify that. I would therefore, despite the hurried discussions before I stood to my feet, like to move formally that the debate on this legislation be adjourned to allow satisfactory consultation. I agree that we should now go to the point of in-principle discussion.

**Ms Tucker:** Hold on! We are going to adjourn the debate!

**MR PRATT:** Thank you for pulling me up, Ms Tucker. I would like to see the detail stage of the debate pushed back so that proper consultation can occur.

**MS DUNDAS (4.38):** I will start by saying that the ACT Democrats will be supporting this bill in principle. The bill is a result of a long process of examining the ACT's law in relation to dangerous goods and hazardous substances. The genesis of this bill is the continuing debate about the regulation of fireworks in the territory, which has highlighted the many flaws in our current regulatory system. I think this bill has been designed to provide a more robust response to the regulation of fireworks, as well as giving the ACT modern legislation and powers to control the use and handling of dangerous substances in general.

I thank the minister for circulating an exposure draft of the explosives regulations to allow members to preview the intentions of the government in the regulation of fireworks under this bill. I believe the general direction of this legislation is commendable. I think that the whole Assembly agrees with that sentiment. I know that the opposition have some disagreement about the regulation of fireworks in particular but, apart from that, I think they encourage this type of comprehensive reform. Whilst I know the opposition will disagree, I reiterate the Democrats' support for the approach taken by the government in relation to fireworks.

We had this debate last year in relation to Mr Pratt's bill on the same subject, so I will not again go over the Democrats' position. This bill is very much in line with our preferred approach, which is not to resort to bans and not to curtail unnecessarily the freedom and enjoyment of the people of Canberra, if the annoyance and harm that can be caused by fireworks can be reduced to an acceptable level. I think this bill and the associated regulations achieve that, so I commend the effort. I note that a large number of amendments to this bill are being put forward today. I think the number of minor language amendments put forward by the minister shows the speed at which this legislation was developed.

I understand that there was a desire to have this legislation debated as soon as possible this year so that it could be in place for the June long weekend and that, to achieve this end, staff from both the minister's office and the department have been very helpful in handling inquiries. I think there has been a lot of responsiveness today to try to move this debate forward. Having said that, it would be wise to adjourn at the in-principle stage so that we can really work through the amendments put forward.

I commend the government for the suite of enforcement mechanisms it has introduced to ensure that the act has regulatory powers in relation to dangerous substances. There are wide inspection powers and wide seizure powers. I note also that there are a number of mechanisms for the government to work with the industry to ensure that the laws are complied with, including compliance agreements and enforceable undertakings. These mechanisms allow the government to work with the industry to police these laws.

The Democrats encourage a cooperative approach to such regulation, but I make it clear that I will be moving a number of amendments to address several of the provisions in the bill. Whilst I know that the government wants to promote a strong regulatory system and the ACT Democrats welcome a strong enforcement system, we disagree on what is required to ensure that we have that strong system working. (*Quorum formed.*)

There are certain important legal principles on which we build our system of justice. One of those common law principles is that people may remain silent, so as not to incriminate themselves. Another is that, in order to successfully prosecute a criminal offence, the prosecution must establish that the defendant possessed a mental element, such as intent or recklessness. I am concerned that the bill put before us today is eroding these legal principles to the detriment of our system of law.

We will be debating a human rights bill in the near future. One of the rights mentioned in that bill is the right to a fair trial; another is the right to remain innocent until proven guilty. I think we need to consider what those rights mean when we legislate the types of



*12 February 2004*

laws that begin to infringe on general legal principles, such as the provisions contained in this piece of legislation.

I will briefly outline my major concerns. I have an amendment to section 92 of the act, which goes to the protection of the privilege against self-incrimination. Many courts have spoken of the fundamental common law right to privilege against self-incrimination. Our own Legislation Act specifically preserves this right in all ACT legislation; however, the Dangerous Substances Bill specifically displaces this right. I believe that we, as an Assembly, need to consider carefully whether the reduction of rights is necessary for this legislation to be workable.

Similarly, I have amendments that go to the level of strict liability offences. The issue of strict liability is one that I have discussed before. I have concerns that the level of strict liability is unnecessarily high for the adequate enforcement of these laws. I have a further amendment which questions the dissociation between a defendant and the possession of a mental element in the conduct of a criminal offence.

I think the issue that section was designed to address is adequately dealt with in section 193 of the bill. It is a long-established principle of law that the prosecution must prove criminal culpability in order for a person to be convicted of a crime. We have enshrined this principle into the criminal code and I do not believe it needs to be in any way violated. I believe that this is a serious erosion of the standard of evidence required for a conviction. I believe it is unnecessary for the functioning of the act and so should not be included in the Dangerous Substances Bill.

I also have an amendment which addresses the protection of the chief executive from defamation. I believe the reference to the Civil Law (Wrongs) Act is unnecessary. I note that the minister has an amendment on the issue, resulting from my inquiries, and I thank her for taking up the suggestion. However, I believe we can go further and remove any rule which states that whatever a chief executive considers appropriate is automatically a fair report, even if it is not. This provision is unnecessary and I hope the Assembly will see the merit of my argument.

I note again that a lot of work has been done on this bill in an extremely short amount of time. I can see that a huge number of considerations and information from diverse sources have gone into the debating process. However, I believe the Assembly needs to address whether the erosion of legal principles is the necessary and appropriate way for the objects of this legislation to be enforced.

It is my belief that we need to examine the consequences of including these provisions in the Dangerous Substances Bill. Ours is a small jurisdiction and the content of one piece of legislation will often come back before the Assembly as a provision in another bill. I do not believe the provisions I have identified are needed for this bill—I do not believe they are needed for any bill—and I do not want them considered normal or standard clauses in a piece of legislation. If the Dangerous Substances Bill is passed with those clauses remaining as they are written, we will be setting a dangerous precedent in relation to human and legal rights in the ACT.

We do not show how strong our legislation is by the number of rights we trample on. We can have a tough, robust, enforceable and stringent law without infringing the rights of

our citizens. Sometimes that requires additional work and additional thought, but it is something the government should be considering before it brings legislation to this Assembly. As I have said, we are happy to support this bill in principle, but have a number of fundamental concerns about some of the provisions within the Dangerous Substances Bill. I hope that the Assembly will agree that these provisions need to be substantially amended.

**MRS CROSS** (4.48): The Dangerous Substances Bill 2003 is an extremely complex and controversial piece of legislation but, in my mind, it is necessary in order to make the ACT a safer place in which to live and work. Before I speak to the substantive part of the bill, I would like to reiterate my concern at the government presenting a bill one week and expecting to have it debated in the next sitting week. This concern is heightened where the scrutiny of bills committee's report on it is handed down on the Tuesday and we have the government's response on the Wednesday of the sitting week that the bill is due to be debated.

My decision not to seek an adjournment of the debate on this bill should not be seen by the government as a precedent. The government should be giving members more time to digest all aspects of a piece of legislation, rather than attempting to rush it through. However, due to the relative urgency of this bill and the timely assistance provided by Ms Gallagher's office, I am prepared to allow this bill to be debated today, although I understand that the minister now prefers that we debate the bill in principle and adjourn debate on the amendments.

The bill deals with two main issues—hazardous substances and dangerous goods—and seeks to combine the regulatory regimes of both. This has been the international and national approach in the legislative dealing with these issues. This bill will complement other pieces of legislation that regulate workplace safety, environmental protection, the handling of infectious or radioactive material, control of firearms and ammunition, drugs, and the transportation of dangerous goods. This legislation is most important. This entire legislative framework will ensure that the community is a much safer place in which to live and work.

This legislation puts into place, and expressly identifies, significant safety duties of persons handling, transporting, controlling, storing and dealing with dangerous substances. It should ensure that anybody having anything to do with dangerous substances undertakes their involvement with the utmost care, and with safety as a primary consideration. There are tough penalties for those who do not comply with these duties—and rightly so. The safety of the community and the individuals who comprise it needs to be the paramount priority when dealing with dangerous substances and their laws and regulations.

I am encouraged to see that failure to comply with the safety duties and the penalties these breaches lead to differ if it can be demonstrated that a person intentionally, recklessly or negligently failed to comply with the safety duties. This should ensure that a hairdresser who does not correctly store a container of a dangerous chemical does not face the same penalties as an owner of a manufacturing plant who undertakes to systematically disregard his safety duties in order to avoid the expenses associated with compliance.

*12 February 2004*

The one concern I had was with chapter 3 of the bill, clause 47, which deals with alternative verdicts for failure to comply with safety duties. My concern was that this could lead to a defendant, upon the realisation that he was going to be found not guilty of a more serious offence, being sprung with a lesser charge and not afforded the opportunity to defend himself or herself from the reduced charge. I have, however, been advised by the department that this will not result in any impingement on the defendant's rights to procedural fairness. I accept that and am happy to support this provision.

I am also fully supportive of the establishment of a licensing system for those who handle dangerous substances. This will ensure that it is easier to both regulate the use of dangerous substances and discipline those who breach their duties and the legislation. Licensing is, in my mind, the best way to control an industry and is the best mechanism to ensure safety is complied with within that industry.

With regard to chapter 6 and compliance measures, the primary concern in debate seemed to be over clause 92 of the bill and privileges against self-incrimination. The argument against the inclusion of this clause has been that it is in direct opposition to provisions in the Legislation Act and common law privileges that allow anybody to withhold evidence and not answer questions if the evidence or answers to these questions will be self-incriminating. The bill removes these common law privileges against self-incrimination by ensuring that any person before the chief executive, under clause 88, is required to answer questions and provide documents if requested to do so, even if these answers or documents are self-incriminating.

This is a serious eradication of rights and one which I delved deeply into. However, the fact that all evidence obtained, directly or indirectly, through these proceedings is not admissible in any criminal proceedings is justification enough, in my mind, for this clause to stay. It is my understanding that any self-incriminating evidence cannot be used in criminal proceedings, but is extremely important in ensuring public safety. It is certainly in the public interest to ensure the general safety of people within our community and that they are not placed at risk of harm, or even death. If this involves the need for an individual to provide self-incriminating evidence, then I am prepared to accept that. Whilst I recognise the contentious nature of this clause, I will be voting to ensure it remains in the bill. I am thus foreshadowing amendments opposing Democrat amendments 1 to 3, because of the benefits the clause provides, for reasons of public safety and the fact that I am convinced this will not lead to self-incriminating evidence presented to the chief executive being used in criminal proceedings.

I believe the use of compliance agreements, prohibition notices, improvement notices and mechanisms to ensure compliance and remedy non-compliance will be beneficial to all parties. Compliance agreements and improvement notices are issued if an inspector believes, on reasonable grounds, that a provision of the act has been, is being, or may be contravened in relation to a dangerous substance.

Prohibition notices go further—the need to prove that the issue of a prohibition notice is necessary to prevent or minimise risk of harm to the health or safety of people; that the issue of a prohibition is necessary to allow for the inspection, testing or monitoring of anything on a given site, or that the issuance of a prohibition notice is necessary to allow for the investigation of an accident or another incident.

I accept the Democrats' argument that penalty provisions are large for contraventions of prohibition notices, but I will not be supporting the Democrats' amendments to reduce these penalty provisions in clauses 119 and 128. Whilst I accept the fact that these penalties are large, particularly for offences that do not amount to criminal responsibility, I believe hefty penalties will equate to greater compliance.

I will be supporting the government on all provisions they put forward on enforcement powers, emergency powers and administrative reviews of decisions. Without these enforcement and emergency powers this bill would have no teeth and would be legislatively weak. That is the main reason this legislation needed to be reviewed in the first place. Enforcement and its effectiveness will be the measures of how successful this bill is. If the bill provides, in reality, enough power for inspectors to carry out the law to the extent it is intended, then the bill will be a success and the ACT will be a safer place.

With regard to procedural and evidentiary provisions, I encountered a number of problems raised by Ms Dundas and her office. The clause which caused me the most concern was clause 192 (3) which, in essence, states that a person is deemed to have the state of mind of his representative if the representative acted within the scope of the authority, or apparent authority, and the representative had the state of mind. This means that an employer or someone in charge of a business or firm who is not on site does not relinquish his duty of care and is as responsible as his representative for any contravention of the act or breach of duty of care.

For example, a business owner hires a foreman to run his day-to-day on-site business. If this foreman negligently, recklessly or intentionally breaches his duty by, for example, storing a dangerous liquid in a manner that is not safe, and in contravention of the act, then the business owner is deemed to be as culpable as the foreman. This is the case unless, under clause 192 (5), a business owner can establish that he had taken all reasonable precautions and that appropriate diligence was exercised in order to avoid contravening the act. This is where my concern is raised. My primary concern is that there is a presumption of guilt rather than a presumption of innocence and, subsequently, the need for a defendant to prove his innocence. This is opposed to one of the basic principles of our legal system. Therefore, I will be opposing this clause.

I will be supporting the government's amendment to remove clause 197 (2) (d) and the Democrats' amendment to remove clause 197 (5). I believe clause 197 (2) (d) provides too much discretion to the chief executive to print what he or she wants. I am glad to see that the minister has put forward an amendment on this. I will be supporting the removal of this clause at the appropriate time. The reason I am opposing clause 197 (5) is that the information published by the chief executive under this provision is taken to be a fair report. This is the case no matter how unfair the report is. On this basis I will be opposing clause 197 (5).

I am supportive of the overall intentions of the Dangerous Substances Bill 2003 of attempting to increase the safety of the ACT, through ensuring that dangerous substances are stored, transported and handled in a safe manner. I will also be supporting Ms Tucker's amendment ensuring a review of this legislation in two years time.

12 February 2004

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

**MS TUCKER (5.00):** This is an important bill that draws the dangerous goods and hazardous substance legislation together into the one scheme. It defines materials and articles in accordance with Australian, European and United Nations codes and classification systems. It also provides for the minister to declare substances as dangerous. As I understand it, the passage of the Dangerous Substances Bill 2003 will see the ACT as the first jurisdiction in Australia to bring these dangerous substances into the same regime as part of national and international harmonisation projects.

The bill has been designed with changing security concerns in mind and with the intent of ensuring the safe and controlled sale and regulation of fireworks. The bill does not cover all aspects of dangerous substances, as transport, for example, is dealt with by and large under Commonwealth legislation. Many of the unusual provisions of this bill reflect specific security concerns on the one hand and recent experience of the fireworks industry and consumers on the other. In that context it seems clear that fireworks retailers and WorkCover have been well consulted in the development of this bill and the draft regulations.

While the bill more generally reflects a national project and also reflects consultation with explosives users, for instance, it may not have been developed in such close contact with other businesses which will be affected by aspects of this regime. Nonetheless, some aspects of this legislation have raised questions, both with the scrutiny of bills committee and more generally, particularly on strict liability issues and some of the special provisions designed to extract information from business proprietors or managers.

The fact that we are trying to turn this bill around quickly is not helpful. I am glad to hear that adjournment of the debate will occur today. Members would be aware that the crossbench, in particular, cannot give legislation reasonable analysis if there is no time between the scrutiny report and the day we expect to debate the bill, or if the weeks between tabling and debate are mostly holidays, making wider consultation fairly limited.

The government might argue that the consultation has been done but there are always aspects, in legislation of this scale, that slip through. The provision for the mental fault element of some offences to be passed on vicariously from employees to people who own or run the business is one fairly stark example. Our concerns on this aspect are shared by representatives of the Law Society, among others. Hopefully, we will address that in the detail stage.

The fact that we received 29 government amendments only yesterday, about 10 from Ms Dundas, and there are amendments from Mr Pratt and me is rather unsettling. The point is that there is some risk in trying to proceed too quickly here. It is partly for that reason that I will be moving an amendment to introduce a legislative review after about 18 months. This will enable us to ensure that the system is working as well as we might

hope, and that any necessary changes can be identified and effected promptly. I think that is useful, even though we are adjourning the debate today.

Most of us are prepared to turn this bill around as quickly as is reasonable. That is because the bill is doing two things at once. Firstly, it introduces a wide-ranging regime to control the use of dangerous substances—something that is important but perhaps not time critical. Secondly, the bill centres on the fireworks industry. Having chosen to continue to allow some form of retail fireworks sales to continue in the ACT, the government is in a situation where it needs to have a new failsafe system in place well in time for the June long weekend.

I am on the record as recommending, through a Legal Affairs Committee inquiry in 2002, much tighter control of the industry system and, after the fiasco of last year's fireworks season, pulling the plug on the industry altogether and supporting the bill introduced by Mr Pratt last year, which would have outlawed retail sales of fireworks. We were not successful then and, clearly, would not be successful if that were tried again. Nevertheless, it seems that the fairly dramatic change in the scope of retail sales that would be allowed under this bill and the fact that WorkCover and the fireworks retailers have been a real part of the development of this scheme might give us reason to hope that this year will be different.

It is for those reasons that there is a good case to give the new regime its best chance of getting bedded down. The passage of this bill will give the regulators and industry time to set up the necessary testing, training, storage arrangements, procedures and so on. The principle of this bill is that it puts a positive obligation of duty of care onto the people responsible for dangerous substances. In that way it echoes provisions in the current OH&S Act and foreshadows more changes to the OH&S Act.

The bill sets out requirements to establish safety management strategies, to assess and manage risk and to document the handling, management and labelling of such substances. It includes a coherent licensing system which applies consistently to all dangerous substances including explosives, chemicals and other dangerous materials and articles. It articulates compliance measures, enforcement powers, appeal rights and the range of offences and penalties. I will not describe all of those arrangements to this Assembly again. I would rather make the point that the regime is comprehensive and applies in graduated degrees to a wide range of substances dealing with all stages of their manufacture, management, sales, distribution and use.

I will, however, talk briefly through some of the changes to the management of consumer fireworks. In the first instance, the much tighter licensing regime for all dangerous substances should ensure an audit trail of all fireworks from importation or manufacture to end user. The requirement to maintain such a record will revert to the business owner. Any fireworks that are not sold within the one-week firework period will need to be returned to the supplier. No fireworks will be sold to non-ACT residents. Fireworks themselves will not be as loud or explosive as we have been used to. There will also be a much stronger enforcement provision.

We should have some clear information on the success of the scheme immediately after the first week of fireworks sales in June this year. Furthermore, the review I have proposed to include in the bill, which will need to be carried out after June 2005, while

12 February 2004

looking at the effectiveness of this whole dangerous substances regime will also look specifically at the effectiveness of the fireworks licensing and control system.

Until now, officers of the department and the minister's staff have been assiduous in assisting our understanding of this legislation and engaging in discussion of the issues contained within the legislation. I am happy to support the bill at this stage on the understanding that this enthusiasm will be maintained in addressing any problems which may arise with regard to the effective implementation of provisions of the act on the one hand or arguable, unreasonable attacks on people's civil liberties which this bill may risk, in some ways, on the other.

**MS GALLAGHER** (Minister for Education, Youth and Family Services, Minister for Women and Minister for Industrial Relations) (5.06), in reply: I thank members for their contributions to the debate on the Dangerous Substances Bill 2003. The comments show a level of interest in this legislation by all, and I appreciate that.

Comments have been made about consultation. I accept that the bill introduced in December did not give an ideal time for consultation. This is a very comprehensive piece of legislation and it seeks to do a number of things. It was intended to deal with this bill completely tonight, but because of the number of amendments that I need to pay attention to—not only my own but those of other members—I thought it was a sensible only to debate the bill in principle. I acknowledge not only the level of work that has gone into getting this bill ready in December in preparation for the fireworks over the June long weekend but also the tremendous efforts of people in the Office of Industrial Relations and in my office in dealing with inquiries and consultations between December and now.

This legislation has been discussed in a number of forums, particularly at the Occupational Health and Safety Council, where there is broad employer representation. The council has been established under the act to provide advice to me on issues around OH&S and the Industrial Relations portfolio. To some extent, the government relies on representatives on that council to consult with their constituencies about issues that are being considered at the council.

I understand that a briefing was held on Tuesday evening with the chamber of commerce. All the concerns they had with the bill were addressed in that forum. So whilst it was not an ideal time to do it, I commend officers in the department and in my office for their efforts in dealing with the number of meetings and providing information to members and members' offices over the past two months.

It certainly will be the intention of the government to proceed with the date of effect being the end of March this year. We can look at what additional consultations can be held over the next two weeks before we debate the detail stage of the bill. This legislation needs to come into effect before the June long weekend. Enough time should be given for everyone to look at it and be aware of their responsibilities.

The Dangerous Substances Bill before the Assembly today is about effective regulation of explosives and other dangerous chemicals to ensure the safety of people, property and the environment. As such, it is one of the government's highest priorities. Increasing threats to national security and public safety have prompted the government to review

the legislation controlling access to explosives and other dangerous substances. Given the high concentration of embassies and national institutions in the ACT, we must have effective legislative controls over dangerous substances, including explosives. As the Assembly is aware, we do not have these effective controls at the moment.

The Standing Committee on Legal Affairs reviewed the operation of the Dangerous Goods Act in 2002, recommending that the act be completely rewritten. The report states that the Dangerous Goods Act:

...is an outdated and poorly worded piece of legislation with internal inconsistencies that create an unclear framework and imprecise definitions...It has a focus on prosecution rather than assistance to meet legal obligations through a compliance framework....the whole Act needs an overhaul to bring [it] up to contemporary standards and to reflect modern technology.

The legislation we are considering today delivers on the government's promise to introduce new legislation that addresses the problems identified by the standing committee. The bill before us is clearly structured. It contains safety duties, strong licensing and registration controls and a range of enforcement mechanisms that will promote voluntary compliance as well as allowing effective prosecutions where prosecutions are warranted. The bill also gives police and dangerous goods inspectors effective enforcement powers that ensure that public safety considerations are paramount while still protecting the rights of individuals.

This legislation is a first in Australia as it introduces an integrated framework for the regulation of both dangerous goods and hazardous substances. This approach has already been taken in New Zealand and is the approach recommended by both the United Nations and the Australian National Occupational Health and Safety Commission. This is another example of the ACT leading the way on health and safety legislative reform. That is not to say that the contents of the bill are unusual or controversial.

The legislation implements nationally agreed standards on both dangerous goods and hazardous substances. These standards are not only agreed by all governments but also endorsed by the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions through their representatives on the National Occupational Health and Safety Commission. These standards represent the outcome of many years of negotiations between representatives of governments, industry and unions. The Standing Committee on Legal Affairs examined these standards during its inquiry into the Dangerous Goods Act and recommended that new legislation should incorporate these national safety standards.

The government consulted with the ACT's Occupational Health and Safety Council during development of the legislation and directly with affected employers, met with employers who use blasting explosives, with fireworks operators and with people who use explosives for theatrical displays and has provided briefings to MLAs and their advisers, the New South Wales and Victorian governments and other interested organisations. The feedback on the bill has been positive. Most people think that we have got it right and agree that the bill will allow the government to control and monitor the public safety aspects of dangerous substances while still allowing businesses which deal with dangerous substances to operate effectively.



The Dangerous Substances Bill is focused on positive obligations in the form of safety duties. These duties are contained in chapter 3 of the bill. The bill creates a general safety duty for everyone who handles dangerous substances whether in a commercial or private context. This duty ensures that all reasonable steps are taken when handling a dangerous substance to minimise the harm that substance can cause to other people, property and the environment.

A person using weed killer in their garden will be under a positive obligation to take all reasonable steps to ensure that it is not used in a way that harms the next door neighbour's children. This means that they will need to read and follow the instructions for use. The government believes that this is an appropriate duty to place on everyone who uses dangerous substances, even those that are freely available to the public. The duty does not make people responsible for side effects of a dangerous substance that they could not know about. The inclusion of the "reasonableness" test in all of the safety duties means that people only need to take those steps to minimise harm from dangerous substances that the ordinary person in their situation could take, according to the current state of knowledge about a dangerous substance.

People will not be held responsible if they use a weed killer that is widely available if it is later discovered that the weed killer has carcinogenic properties that cause the next door neighbour's children to develop serious illnesses. The bill recognises that our state of knowledge about dangerous chemicals is constantly changing and builds in flexibility to allow new chemicals to be added to the list of dangerous substances as our scientific knowledge develops, without long bureaucratic delays that could put lives at risk.

In most cases the use of dangerous substances will occur in commercial contexts and other duties in the bill only apply when dangerous substances are being used in the course of trade or commerce. For instance, these duties would apply where a business sells or supplies dangerous substances or uses dangerous chemicals in manufacturing processes to produce goods that they sell. These commercial duties include requirements to store, pack and label dangerous substances safely and in accordance with Australian standards; develop, implement and document safety management systems for handling of dangerous substances to make sure that businesses are taking a proper risk management approach to handling dangerous chemicals; and ensure that plant and equipment used for handling dangerous chemicals is properly maintained and appropriate instructions are given to employees and others who are handling dangerous substances so that their health and safety is not compromised.

The bill provides that breaches of safety duties are serious offences. Penalties for breaches are scaled to reflect the seriousness of the breach and its actual or potential consequences. Chapter 4 of the bill establishes a licensing framework for dangerous substances. Handling dangerous substances will not always need to be done under licence. Licences will be required where the risks posed by a dangerous substance to public safety require a high level of government support—there is a lot about dangerous substances in this speech. Explosives are clearly a category of dangerous substance that will need licences for almost all activities, simply due to the high risks explosives pose to security and public safety.

The criteria for issue of licences are designed to protect public safety. Where a licence is required, the government will only be authorised to issue licences where it is satisfied that the person is a suitable person to hold a licence and can meet their obligations and safety duties under the legislation. A person would generally not be suitable if they have recent criminal convictions for offences involving violence or fraud or have close business associates with such convictions. The government will also need to consider the person's qualifications and experience in handling the dangerous substance and whether they have breached their obligations under the legislation in the past.

The regulation-making powers in the bill will also enable the establishment of a notification scheme for the storage of dangerous substances above prescribed high-risk threshold quantities through the creation of a register for monitoring locations and quantities. These provisions are essential to ensuring that the territory can manage these substances in the interests of workplace and public safety. These provisions may be relevant, for instance, if Australian governments decide that it is necessary to track the movements of explosive precursors such as ammonium nitrate fertiliser. The bill would allow the ACT to respond quickly to any national decision on the regulation of ammonium nitrate, whether this is to ban the substance, only allow it to be used with a licence or only allow it to be used with notification to the government.

In addition to the requirements to meet safety duties, chapter 5 of the bill establishes an additional set of offences relating to prohibited and controlled dangerous substances. These offences will deter and punish those who handle dangerous substances without authority. The bill creates a category of prohibited dangerous substances. This will include highly dangerous explosives such as C4 and semtex, and asbestos, which is now banned for further use throughout Australia due to its serious health risks.

A scale of lower level penalties is provided for the unauthorised handling of controlled dangerous substances—that is, dangerous substances that require licences issued by the government—or for handling dangerous substances in a way that is not permitted under the regulations. This will mean that where the regulations contain technical safety storage requirements—for example, separation distances for the storage of explosives—people must comply with these requirements or face heavy penalties.

Chapter 6 of the bill contains measures to ensure that people comply with their obligations. A wide range of enforcement tools is proposed—from voluntary compliance agreements and improvement and prohibition notices to enforceable undertakings and court-issued injunctions. Voluntary compliance agreements will allow people handling dangerous substances to enter into cooperative agreements with inspectors to rectify potentially dangerous situations.

More powerful measures, such as prohibition notices, can be used in situations where it is necessary to stop activities in the face of immediate danger and risk of serious harm. These compliance measures are intended to align with existing and proposed measures in the OH&S Act. Together the two acts will form a comprehensive framework for regulating safety in workplaces and in all places where dangerous substances are handled.

Chapter 7 of the bill sets out general provisions dealing with enforcement powers, including the general powers of inspectors. These powers are necessary to ensure that inspectors are able to monitor compliance with the legislation. The powers provided for in the bill are similar to powers of inspectors under other regulatory schemes.

Chapter 8 of the bill allows the minister to make orders in response to serious emergencies and to be able to act promptly in doing so. These powers are essential to protect the public from a serious threat posed by a dangerous substance. It is necessary to have a strong range of enforcement powers under the legislation so that the government can move quickly and effectively to protect public safety.

However, the powers of government officials and the minister are tempered by compensation provisions. This means that, where the government acts without proper justification and that has financial consequences for businesses, those businesses can obtain compensation. An important aspect of the legislation is facilitating the effective regulation of fireworks. There have been ongoing problems over a number of years with fireworks and the government wants to put an end to this situation.

This bill has been supported by an exposure draft of very detailed explosives regulations. These regulations are now out for consultation. The government intends that these regulations commence at the same time as the new legislation. The new regulations, in combination with the new enforcement powers contained in the bill, will allow police and inspectors to take action where fireworks operators are breaching the law and selling fireworks to members of the public.

The new Queen's Birthday arrangements will only allow members of the public to buy a limited range of small fireworks for a period of one week each year. The fireworks will only be able to be used during a restricted number of hours over the three days of the Queen's Birthday long weekend. People who are not ACT residents will not be permitted to buy fireworks in the ACT, and operators who are found selling fireworks to residents of New South Wales or other states will be subject to heavy penalties unless those interstate residents are licensed pyrotechnicians.

New safety standards for storage will ensure that fireworks cannot be stored in any premises where the public has access, so no fireworks will be able to be kept in stores in Fyshwick. Fireworks, like other explosives, will have to be kept in dedicated magazines that meet safety standards, except for small amounts of consumer fireworks that can be sold for one week before the Queen's Birthday long weekend. Because the legislation will introduce higher penalties for possessing illegal explosives and fireworks, the government will run an amnesty in the lead-up to the commencement of the new laws. I thank Mr Pratt for his helpful suggestions on an amnesty.

The amnesty will allow members of the public to hand over illegal fireworks or other explosives that they may have in their possession before the new penalties come into effect. The government will collect the explosives and arrange for their destruction. (*Extension of time granted.*) The amnesty will not extend to people who hold or formerly held commercial licences for supplying fireworks as the government does not believe that it would be fair to make ACT taxpayers foot the bill for the expensive destruction of fireworks that these operators no longer wish to sell.

The government will run an education and information campaign in the lead-up to the new laws taking effect that will encourage anyone holding illegal explosives or fireworks to contact WorkCover. An inspector will then go out to assess the explosives and make arrangements for their safe removal and destruction. WorkCover will liaise with the Australian Federal Police bomb squad and other emergency services on logistics for removal and destruction.

In conclusion, this bill is part of a broader package of industrial workers compensation and work safety reforms being progressed by this government. These reforms include a comprehensive occupational health and safety compliance and enforcement strategy. The new Dangerous Substances Bill will establish the ACT as a national leader in this area of regulation. I thank members for their willingness to consider this important bill quickly, although we will be adjourning the detail stage of the debate, and also for attending government briefings held over the last month.

The passage of this bill will ensure that the ACT has implemented the national dangerous goods standards and can continue to receive national competition payments. It will ensure that the ACT has effective legislative controls over the raw materials that can be used by terrorists and it will ensure that the police and inspectors have powers to allow them to control fireworks properly.

During consultation on the bill a number of issues were raised by members and by the scrutiny of bills committee. The government believes that it is appropriate to make some improvements to the bill as a result of this consultation. I foreshadow that in the detail stage I will move 29 amendments.

I thank officers from the Office of Industrial Relations, particularly Shelly Schreiner, Penny Shakespeare, and Garrett Purtill from my office for their tremendous efforts in getting this bill here today and for providing support for the consultation process.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

### **Discharge of orders of the day**

Debate resumed.

**MRS DUNNE** (5.24): I seek leave to move the amendment circulated in Ms Tucker's name.

Leave granted.

12 February 2004

**MRS DUNNE:** I move:

Executive business, omit “No. 14 relating to the Government response on full retail competition impact on ACT low income earners.”.

Amendment agreed to.

Motion, as amended, agreed to.

## **Public Accounts—Standing Committee Reference**

Debate resumed.

**MRS DUNNE (5.25):** The opposition will be supporting this referral to the Standing Committee on Public Accounts. I place on record that this matter was not done cleanly, neatly and according to script this morning because, unfortunately, the Treasurer forgot important parts of the script, which is why the matter was adjourned. This is the second instance this week where the Treasurer has sought to do things by leave and has failed to meet the usual courtesies of the house of alerting people in advance. He did it with the gaming machine bill earlier in the week and he has done it on this occasion— not to the opposition but to the Democrats. We need to place on record that certain courtesies apply in here and one is to give someone a heads up if you are going to seek leave to give an explanation. That was only half done. The opposition is quite happy with the arrangement, but those courtesies should be extended to the crossbench, even if the government does not like doing it.

**MS DUNDAS (5.27):** I thank members for allowing this debate to be adjourned. It gave us a few hours to consider the impact of what the Treasurer was asking us to do. At the moment, the current wording of the Financial Management Act does not specify whether the Treasurer’s Advance or a supplementary appropriation is the appropriate process to meet expenditure requirements not accounted for in the budget. Presently, where expenditure could not be reasonably foreseen and included in the first appropriation act, the expenditure can be funded using either process. The Financial Management Act is also currently unclear about the guidelines that need to be followed when the Treasurer’s Advance is then required to be used or decided to be used. That is why I put the amendments forward in the Financial Management Amendment Bill 2003 (No 3).

I am keen to see section 18 of the Financial Management Act clarified, the wording strengthened and the guidelines set in stone so that we do not have continuing confusion about when is the appropriate time to use the Treasurer’s Advance. I would like to see that happen sooner rather than later because we still have money sitting in the Treasurer’s Advance at the moment. In the next budget we will get around \$20 million to \$25 million from the Treasurer’s Advance. It is important for us to be assured that this money is being used properly. The Treasurer wants the Public Accounts Committee to look at general questions around the Treasurer’s Advance and to report no later than 1 April 2004.

After talking to members of the committee, I understand that it is quite possible for the committee to meet that deadline. We will have some further information about the Treasurer's Advance in other jurisdictions and the whole Treasurer's Advance question. As I said, I am keen to see the Treasurer's Advance clarified. I would have liked to have done that sooner rather than later. I note that the Assembly is keen to have this further investigation and I think that it could be quite productive. In the meantime, I think the Treasurer must be aware that he must be quite prudent in any further use of the Treasurer's Advance as concerns have been raised in this Assembly, in previous assemblies and by the Auditor-General. I hope the Treasurer is cautious while we await the committee's report and any further changes to section 18 of the Financial Management Act.

**MR SMYTH** (Leader of the Opposition) (5.30): The opposition will support this reference to the Standing Committee on Public Accounts. As Chair of the Public Accounts Committee, I am quite happy to receive it. I note that the Treasurer today tabled the government's response to report 6 of the Standing Committee on Public Accounts. This is the report in which the Auditor-General raised the issue of the misuse of the Treasurer's Advance and the possible illegality of it all. In light of the way the Treasurer's Advance has been abused by this government, it is absolutely more than appropriate that we look at how it is being used. I think the opportunity should be taken for a much broader examination of the purpose, structure, operations, limitations and obligations of the Treasurer's Advance.

Recommendation 2 of the committee's report was that an independent review of the FMA be undertaken. I note that the government has not agreed to that, which is disappointing. It is certainly something that the Auditor-General recommended. Recommendation 3 said, in particular, that section 18 of the FMA providing for the Treasurer's Advance be reviewed to clarify the purpose and use of the Treasurer's Advance. The government's response in this case was to agree. Recommendation 4 of the committee's report was that regulations be established for the use of the Treasurer's Advance. The government's response was not to agree because the government considers addressing the use of Treasurer's Advance through administrative guidelines rather than through regulation is considered appropriate, even though there is no explanation as to what makes it appropriate.

Given the government's tardiness in some of these matters, it is important that the inquiry is done and done quickly. The PAC should be in a position to have it back to the Assembly by 1 April and then we can come back and review what Ms Dundas has proposed in her bill, the Financial Management Amendment Bill 2003 (No 3). Taking that bill in the context of what happens in other jurisdictions is very important. Some jurisdictions set it as a percentage of the total budget; others have a fixed amount. There are other systems operating around the country and a quick and effective review of those systems will, I hope, come back to the Assembly on 1 April and will, I hope, influence the way we look at Ms Dundas's bill. Hopefully, it will bring about other amendments. We want a structure in which treasurers know they can operate so that there is certainty. We do not want an Auditor-General's report that says that the Treasurer's Advance has been misused and that it was possibly illegal.

12 February 2004

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism and Minister for Sport, Racing and Gaming) (5.33), in reply: The referral to the Standing Committee on Public Accounts is not without risk. We hold the committee system of the Assembly in high regard, but most committees are, by their structure, often hostile to the government. That is one of the prices we pay in a minority government. This is the ultimate in consultation. I am concerned to make sure that Assembly members, via the committee system, get to hear about the ramifications of these changes in relation to public administration itself.

Since self-government, the Financial Management Act has been tinkered with. It is an obvious candidate for “I’m doing something. We’re keeping the government honest.” It is a ready target and I do not suppose that will change much. We really do have a responsibility to make sure that the governments of the future—do what you like with us—still have the capacity to govern and address emerging issues that need to be addressed.

If you look back at expenditures on the Treasurer’s Advance over the years, you will find some pretty odd stuff. I recommend some of Mrs Carnell’s lists of expenditure to you for light reading in terms of whether matters were urgent and unforeseen. You might even find a whole raft of Bruce Stadiums items popping up in there. I thank members for their commonsense support and trust that the committee will deliberate on this matter in an open manner and that we will get something that governments of whatever persuasion of the future can work with sensibly.

Motion agreed to.

### **Adjournment**

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

That the Assembly do now adjourn.

### **Death of Mr Gary Croston ACT water supply**

**MRS DUNNE** (5.37): Mr Speaker, I would like to touch on a couple matters. Firstly, I wish to mark, with sadness, the passing of Gary Croston from Environment ACT. Gary was a highly respected officer amongst his colleagues. I suspect that there was a departure from precedent when the Chief Minister put out a press release on the death of Gary Croston. Over the six-odd years I worked in this place as an adviser, I worked with Gary Croston and found him to be a commensurate public servant, highly professional, committed to his duties, and just a great bloke. I know that the officers at Environment ACT and Urban Services generally are devastated by his death. I think the Assembly should mark the passing of a fine man.

Secondly, I would like to clarify a couple of points about my position on dams, which has been described as inconsistent, although admittedly only by the Chief Minister. Firstly, the Chief Minister said in a media release earlier this week, “The Legislative Assembly on World Environment Day 2000 unanimously supported a motion that as far

as possible the building of a dam for further water supply in the ACT should be avoided.” He went on to say, “Mrs Dunne stated in her speech during the debate that she supported the government’s plan to develop an effective water resources management plan.” I did, Mr Speaker—and I still do, but I am waiting for the effective water resources management plan; in fact, I am waiting for any water resources management plan.

It is also true that I agreed at the time—the whole opposition agreed at the time—that the building of any further water supply in the ACT should be avoided as far as possible, but it is no longer possible. What has changed? Quite simply, last January, on the Chief Minister’s watch, most of the Cotter catchment burnt out. The precise causes are still subject to inquiries, but it is clear that a failure to limit fuel loads and to maintain fire trials, ironically in the name of environment conservation, were major factors. The short-term effect is, as the Chief Minister pointed out, mainly on water quality.

His claim that the drought was about quality and not quantity was a revelation to me and to many others. The long-term effect of the fires, however, is, according to the government’s own data, a reduction in run-off of between 25 per cent and 50 per cent of our most productive catchments. At the top end, that is the equivalent of building another town centre in the ACT. That is what has changed: mountain ashes to ash mountains.

The Chief Minister said on Tuesday, “We do have time; we do have options. We are introducing and will introduce a range of measures,” and so on. He is not normally that unguarded. The thing is that we do not have time. We may have 10 years—if we are lucky. We are lucky if the catchment regeneration effect is at the lower range predicted: if all the current reductions in water use turn out to be due to restrictions and not to rain and that those savings continue; if the population growth is at the lower end of the forecast rain; if we can sort out the problems identified by Professor Wasson last week in the Googong catchment and that they get better, not worse; and if climate change does not have the impact that some people think. The planning, building, construction and filling of a dam may well take all of those 10 years. It may even take longer.

There are huge margins for error in all these variables, but that does not mean it gives us the luxury of dismissing them all as a best-case planning scenario. We should be planning for a worst-case scenario. That means that we have to put aside the issue of whether we like or dislike dams and come up with a sound policy for the ACT for water security.

The Chief Minister also went on to make comments about the Welcome Reef Dam. I do not resile from the comments that I have made about the Welcome Reef dam, which the Chief Minister kindly quoted on Tuesday. All things being equal, I would prefer it if we could source our water from the Shoalhaven River rather than take more water out of the Murray-Darling Basin.

I do not have time to explain the benefits to environmental flows in words that the Chief Minister would understand. The plain fact of the matter is that, as things currently stand, there are problems in the Murray-Darling Basin. We would be better taking out of a large dam in the Shoalhaven but, as the New South Wales government is even more beholden to the Greens than is the ACT government, that will not happen in the foreseeable future.



On the whole subject of consultation, the current ACT government has a bit of a fetish for so-called consultation. I point out that Tennant Creek has been on the drawing board for 35 years and I think that, even after that period, Mr Stanhope could make up his mind.

### **Australia Day citizenship ceremony**

**MR SMYTH** (Leader of the Opposition) (5.41): Mr Speaker, I want to relay details of a very unfortunate incident that occurred on Australia Day this year. The citizenship ceremony that occurs annually in Commonwealth Park was marred by the speech of the Chief Minister. The Chief Minister was given the opportunity to welcome more than 100 new Australians to the national family and instead he took the opportunity to give a speech that I believe was overtly political, partisan and, in particular, in poor taste. At the end of his speech, you would have thought he was listing reasons for people not to become Australian citizens.

I know that some people walked away from the ceremony in disgust and I know that many people were confused as to how a speech to welcome them to the national family should be turned into such an event. To his credit, at the end of his speech the Chief Minister did say, "Welcome to the Australian family. It's great to have you here." The majority of his speech was an attack on the Howard government. These ceremonies have always been treated in a bipartisan fashion. They have always been apolitical and have always been speeches of encouragement to individuals to join the national family.

The Chief Minister's disrespect for the day was heightened when he ran his "Welcome Back Cotter" function on the same day in opposition to the functions that were occurring in Commonwealth Park. It is quite curious that initially there was no funding for the festivities in Commonwealth Park. The excuse was that it was just another concert, another picnic, and that it was going to duplicate what the federal government had done the night before. What did the Chief Minister run? It was nothing but a concert in a park—in this case the Cotter park. The "Welcome Back Cotter" function could have been run any day; it did not have to be run on Australia Day.

The real shame of it is that we then had little signs going up saying, "Aussie barbecue." You did not even have the guts to say that it was an Australia Day barbecue; it was turned into an Aussie barbecue—let us be ashamed, let us be embarrassed, to celebrate Australia Day. Perhaps the Chief Minister would like to come and tell the Assembly his reasoning for making this happen at such short notice after he had knocked off the funding for the Australia Day in the National Capital Inc. event. It is a contradiction; he is just a spoiler.

To cap it all off, if you have read the social plan—Mr Speaker, I know you read all the documents you receive because you are assiduous in your duties—you will know that on page 12, at the top of the plan, the aim of the government is said to be to build up social capital and to build up team spirit and community spirit. What are we going to do as a government? We are going to celebrate days of significance like Australia Day, New Year's Eve and Canberra Day more appropriately. Who knocked off the funding for New Year's Eve and Australia Day? I don't know what it is doing with Canberra Day at this stage.

The contradiction is that the government has removed the funding. The contradiction is that the government has chosen over the last couple of years not to celebrate these days appropriately—to withdraw the fireworks. People have said to me that the last year New Year's Eve celebrations were the quietest that they could remember for many years. Many people said, "There were no fireworks. Rather than watching them on TV or on the screen from Sydney we went to Sydney" or "We went down the coast" or "We went somewhere that celebrated rather than being embarrassed."

It is a shame that the government has taken such a short-sighted view. It is curious that, after saying for some time that it will not fund such events, we see in the social plan that it is now going to fund such events. I look forward in years to come to seeing fireworks on New Year's Eve and on Australia Day and enhanced celebrations of Canberra Day. The Chief Minister is now reacting to what members of the public are telling him—that is, they are disappointed in the boring approach, the dull approach, of his government, and the lack of recognition of these days by his government over the last two years.

I am pleased to see that the Chief Minister has now joined us. Perhaps he could explain why he has chosen to politicise, downgrade and denigrate Australia Day and why he then did a backflip in his social plan. I think he is finally getting the message from the community that they hate the boring view of this government. It has turned this capital into the most boring place in Australia.

It is interesting to watch the wrap-up of New Year's Eve on TV. We cross to Sydney, Melbourne, Brisbane and Hobart for their fireworks—you can go all round Australia—but there are no fireworks in the national capital. You can go to Merimbula for fireworks; you can go to the Tathra pub for fireworks. You can go just about anywhere for fireworks, except for government-sponsored fireworks in the ACT on New Year's Eve. Shame, Chief Minister, shame!

### **Australia Day citizenship ceremony**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (5.46): Just to put in context the speech I gave on Australia Day, I am more than happy to provide members with the truth of what I said. I am more than happy to read it into the record for the information of members. In my address I did acknowledge the symbolic importance of Australia Day. Symbolism is more important because the date carries quite different meanings for the many members of our diverse Australian community.

I commented on the fact that, 216 years ago, the First Fleet sailed into Sydney Harbour. They set up a camp and a colony on what they declared to be terra nullius or empty land. It did not take anybody very long to realise that Australia was not terra nullius. It has taken almost everybody no real time effectively to discover that—except, of course, the Liberal Party who have consistently rejected the notion that Australia was not terra nullius.

We have had a lot of time to reflect since 1788 about the meaning of the first significant—26 January—landing at Sydney Cove. We still have time to reflect on that date. The commemoration on 26 January is a particularly moot time for us to do that. It is

*12 February 2004*

important that we reflect on that. It is important that we reflect on the essence or values of Australia—namely, the notion of a fair go; an egalitarian society. It is important that we continue to acknowledge that “a fair go” is something that has echoed over the last couple of centuries. We know that history determines what sort of a community we are, what sort of a place Australia is and what sort of place Canberra is—the place we live in.

Many Australians celebrate 26 January as a great day to celebrate the founding of this great country, at least in a European sense. For some, particularly our Aboriginal and Torres Strait Islander people, Australia Day is a very painful day. It is a reminder of the land dispossessed and a negation of the prior possession and occupation of this land by indigenous people for 20,000 years. It is important that we continue to debate that. We have to acknowledge that, for those with a history of dispossession, Australia Day is not an occasion for celebration. It is certainly a day upon which we all reflect on what it means to be Australian, but if you are an indigenous Australian you would not be celebrating 26 January. It is important for us to understand and acknowledge why that would be the case.

It is important too on Australia Day that we acknowledge how great it is to live in such a great democracy where national conversations about our past and our future take place. We should celebrate the diversity of the Australian crowd. We should rejoice in the strength of the Australian chorus and the honesty of the Australian voice. We respect justice and we respect the law, we have a sense of humour and we love fun. We are grateful for the fact that we live in a community in which people are confident that they can do and achieve anything they want but, as I said, Australians also traditionally believed in a fair go for all.

We have, as I say, a very strong tradition of egalitarianism and a proud history of defending and protecting the vulnerable and those weaker than ourselves. Throughout history, with notable exceptions, we have actively promoted tolerance and embraced diversity. It is a proud history that I have in mind when I say that we need to acknowledge the extent to which that proud history is eroded. I am, always have been and always will be very proud to be Australian. It is because of the depth of my pride and the depth of my love for my country that I do feel that tinge and sense of shame—a shame at the actions of some of the activities of our federal government, at some of its cold-hearted and unforgiving policies in relation to asylum seekers and refugees. I do feel shame at that.

Australia Day is a day on which we, as proud Australians, can stand up and acknowledge that we feel shame at some of the things that we do. I similarly feel that it is appropriate on that day to reflect on our feelings around Australia’s role in the unjustified, the bloody and the illegal invasion of Iraq—an invasion in which we participated, an invasion which we believe cost the lives of between 30,000 and 50,000 people as the Coalition of the Willing pursued weapons of mass destruction which we now know did not exist. It was a war fought on a lie in pursuit of weapons that did not exist. It is appropriate that we acknowledge that that does not fill us with any sense of pride at all. Australia Day is an appropriate day to reflect on these things.

## **Trees in Nettlefold Street, Belconnen**

**MR STEFANIAK (5.51):** I will speak about trees and specifically the Nettlefold trees. I was recently contacted by Helen Brewer, who gave me a chronology. It is a little disturbing. I wonder what is happening, specifically in relation to the direction of the Assembly. She set up a timeline of events. She has a list of names here and, because they involve ministerial staff members, I will not say—according to convention—the members' names.

On Wednesday, 27 August last year the Assembly passed a motion requesting the government to negotiate with the owner of block 12 section 2 Belconnen; that is, the Nettlefold Street trees site. On Tuesday, 23 September last year the Assembly censured Planning Minister Simon Corbell for not carrying out the wishes of the Assembly.

Ms Brewer, on 17 November last year, saw Mr Stanhope at the launch of the environmental law handbook at the Assembly. He told members of the Friends of the Nettlefold Trees, including Ms Brewer, that he understood efforts to contact the owner of the block were taking place. However, he understood that the owner had been away for some time. Mr Stanhope said something to the effect that he himself would try to get in contact with the owner: we should get in touch with his office.

Ms Brewer then stated that on 25 November last year she contacted Mr Karedis's office in Neutral Bay in Sydney. She tells me that he is the owner of the block. Mr Karedis's secretary said that Mr Karedis was away and that she was aware that a phone call had been received from someone in the office of the Minister for Planning, but that she did not know any more than that.

On 25 November—I assume later on that day—Ms Brewer contacted Mr Stanhope's office. She was told by a staff member that he had heard nothing about the matter but that he would check and get back to her. She stated then on 17 December last year, after leaving several messages for that person to ring her, he finally said that she and her colleagues would have to get in contact with Mr Corbell's office.

The next day, 18 December, she did just that and was informed that she would have to discuss the matter with the departmental liaison officer there. After a number of attempts to contact him, on 2 February she managed to speak to him in person. The DLO said that he could only vaguely recollect something happening in regard to the block in Belconnen. His first recollection was that contact had been made to inquire as to why no development was occurring. He undertook to speak to another member of staff and get back and inform Ms Brewer what contact had been made.

Ms Brewer contacted me on 6 February—some four days after that last message—and said that, despite one phone call every day since then—that is, over a four-day period—the DLO had yet to contact her. That was the last contact I had with Ms Brewer. So it is possible something else might have occurred between then and now.

But my concern is quite clear; there was a very clear direction from the Assembly. A direction was given in late September in this matter. Quite clearly, there are some real concerns—assuming Ms Brewer is to be believed and is accurate in her statements; I

don't have any reason to doubt that—as to exactly what the Planning Minister, indeed the government, is doing in relation to the Assembly's direction.

I hope that they would tell the Assembly the exact position. Not only the Assembly but also Helen Brewer and everyone in the community should be concerned about what is happening with this site, and specifically what is happening to the trees. There appears to be a lack of action here. The government has a bit of explaining to do on this one.

### **Karralika facility**

**MS MacDONALD (5.54):** I want to correct the record from the debate that was held yesterday regarding the Karralika facility in Fadden. Mr Smyth made a few comments about me during the debate. I feel that I was misrepresented and that Mr Smyth did not get his facts right.

Mr Smyth said, "What we had was Ms MacDonald arriving at a resident's house and saying, 'It's all okay, the development is off. We're going to pull it and it will go through the proper process,' and it wasn't until the press release arrived from the minister's office, a copy of which was made available to the community, that you get to paragraph 5, which says, 'But I'll call it in.' Ms MacDonald wasn't telling the residents it was going to be called in."

Yesterday I explained that it had been in the press release put out by all three Labor members for Brindabella—that is, Mr Wood, Mr Hargreaves and me—and I explained what had happened at the resident's house. I met the person I had arranged to meet and then her neighbours came over. I believe that is where Mr Smyth got his information from, which I do not believe is correct. There was quite extensive discussion about what was happening with the call-in. But I had only just arrived at the person's house when the neighbours arrived about 10 minutes later. I was going through what was in the press release from me, Mr Hargreaves and Mr Wood. Mr Smyth later said, "Ms MacDonald raises some interesting points. She claims to have taken a press release. I went looking for the MacDonald press release. It's a habit in this place that press releases go to the library so the community can see what you've actually said and what you stand for."

I have to say that the press release, as Mr Smyth was informed yesterday, went out under Mr Hargreaves's name and that is what it looks like, Mr Smyth. If it did not go to the library, I apologise for that, but I am sure that I would not be the only member and Mr Hargreaves would not be the only member not to send press releases to the library. The press release actually says that, during consideration of the development application and public comment by ACTPLA, the Minister for Planning will signal his intention to call in the application and, in doing so, he will put a resolution to the ACT Legislative Assembly seeking views on whether an expansion of rehabilitation services at Karralika should go ahead. That was quite clearly in the press release which I took to the resident's house and which I was going through when the next door neighbours arrived—

**Mr Smyth:** But you wouldn't leave it with them, you wouldn't give them a copy.

**MS MacDONALD:** I only had one copy. They did not ask me for a copy, Mr Smyth, and I was in a rush when I left. I would have been happy to leave a copy with them,

Mr Smyth. If they had asked me, I would have been happy to leave it for them. Considering that you were not there, you certainly have this amazing ability for mental telepathy, I have to suggest, Mr Smyth.

**MR SPEAKER:** Please address your comments through the chair.

**MS MacDONALD:** I apologise, Mr Speaker, for not having directed my comments through the chair. As I said, the press release was under Mr Hargreaves's heading and I believe that Mr Smyth has misrepresented me in this place, I believe that he should get his facts straight before he gets up in this place and I believe that he owes me an apology.

### **Death of Mr Anthony Schonbaum**

**MRS BURKE (5.59):** Mr Speaker, I rise tonight to remember with fondness one of Canberra's longstanding residents, Mr Anthony Schonbaum. It is a shame that the Chief Minister is not here to hear this, too, but he may be listening to it somewhere else. Tony, as he was known to his friends, lived at the Currong Apartments for over 40 years. Tony spent much of his working life in Canberra as a researcher with the ANU. Tony lived a full and busy life. Never having married, he spent a great deal of his time travelling round the world.

Having got to know him over a couple of months prior to his death, I had many a conversation with him about his travels. Tony was a fascinating old man and a gentleman of 80 years of age who had seen some remarkable things on his travels. He showed me with great pride many paper clippings from around the world in relation to his unusual hobby of collecting rubber stamps from post offices and banks. He kept these stamp imprints in a book that went everywhere with him—most fascinating. There was even one in it from my home town in England.

I came to know Tony a couple of months ago when he called my office most distressed because, in his words, he felt like a prisoner in his own home as the one and only lift he could physically access was out of action. As people will know, I did try desperately to have the lift fixed. It had been out of action for over a week. When I became involved in that process, Tony had been confined to his bed and I was keeping him company, so I guess I stepped in to be a friend to him at the right time.

Members may recall the rather unfortunate and derogatory comments the Chief Minister made about me about going to the media in relation to Tony's plight. That was rather unfortunate and sad because I do not believe that Mr Stanhope would have said what he said had he known the real situation and circumstances. I was not shamelessly exploiting vulnerable tenants. I believe he said those things out of sheer ignorance of this man's circumstances and that he was totally unaware that Tony was heavily reliant on this particular lift due to his medical condition.

However, all this said, I was honoured and happy to have been a friend to Tony in his hour of need. Tony was a chronic arthritis sufferer. He had a heart condition and had recently been diagnosed with pancreatic cancer. His health declined very rapidly over Christmas and, on being admitted to Calvary Hospital, he was diagnosed with cancer of the liver. Although in great pain, Tony tried to remain positive to the end and I was glad

12 February 2004

to be a comfort to him over this period. He had a marvellous sense of humour and kept that going to the end. Tony passed away in his sleep on Saturday, 7 February 2004. May he rest in peace.

Mr Speaker, I would like to take this opportunity to thank the Calvary Hospital for all the wonderful care he received from the nursing, medical and ancillary staff. I would also like to thank the often unsung heroes at the office of the Public Trustee—in particular, Mr Stephen Kellett. Finally, I would like to thank William Cole Funerals for their help and consideration.

### **Australia Day citizenship ceremony**

**MR CORNWELL** (6.02): I rise to raise two matters in relation to the Australia Day weekend. Firstly, I wish to support my colleague Mr Smyth and express my disgust at the speech of the Chief Minister when he spoke, as he identified himself, about matters of reconciliation without saying sorry, asylum seekers, also known as illegal immigrants, and the Iraq war. I felt that all of it was totally out of place so far as the Australia Day celebrations were concerned.

We had there over 100 people who would become citizens and no doubt they were very bemused by this strange welcome to their new country. You were there, Mr Speaker; I saw you. I did not see any of the other Labor members, but perhaps they were there. Perhaps they were cowering somewhere behind trees after the speech. I certainly support Mr Smyth's comments. I did walk out. I was one of those who did. I had given my word to a number of decent Australians, some of whom had fought in previous wars for this country, that I would speak on the adjournment on this matter and I am therefore fulfilling my promise to them.

On a happier note, I would like to pay a compliment to the Rivers firefighting group which turned up on Sunday, 25 January at 10.00 am in Banks Street in Yarralumla. Three firemen, a person from Environment and a person from the recovery centre were there to address interested locals in relation to bushfire control and the various steps that you should take to protect your house.

Unfortunately, being the Sunday of a long weekend, there were only 17 people present. Nevertheless, I commend them for the initiative. I hope it will be continued in the future. I hope we will also get a better weekend than the long weekend of Australia Day, but that was not their fault. Of course, the event could have been better advertised. Perhaps one way we could do that, Mr Speaker, would be to mention it in the Neighbourhood Watch newsletter for Yarralumla, but there are other means of distributing this information through the suburbs of Canberra. I commend the meeting and I think that it was an excellent initiative.

### **Dangerous substances legislation**

**MR PRATT** (6.05): Mr Speaker, I wish to raise two issues. The first one is a follow-up on today's debate on the Dangerous Substances Bill. I was really quite pleased to see the government, the Greens and the Democrats agree today with the opposition to adjourn the detail phase of that debate. The reason was that we know that there needs to be

12 February 2004

further consultation with the business community. I was, however, puzzled by Mrs Cross's manic determination to try to block that—

*The time for the debate having expired, the question was resolved in the affirmative.*

**The Assembly adjourned at 6.07 pm until Tuesday, 2 March 2004 at 10.30 am.**



*12 February 2004*

## Answers to questions

### Child abuse—mandatory reporting (Question No 1077)

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 18 November 2003:

In relation to a recently shown Stateline program about a child (who subsequently dies) presenting with bruising and other indications of hurt:

- (1) How many mandated people, by profession, saw or examined and did not report her condition under mandatory reporting laws;
- (2) How many mandated family services officers saw or examined and did not report her condition under mandatory reporting laws;
- (3) What action is being taken against any mandated person or people at (1) and (2) above for failing in this case to report under mandatory reporting laws.

**Ms Gallagher:** The answer to Mr Cornwell's question is:

- (1) The Coroner did not specifically identify those mandated persons whom she considered should have reported. In the Coroner's report she stated "some 8 persons who were mandated to report failed to do so".
  - (2) Family Services officers did not see or examine the child prior to her discharge from hospital. Prior to her death, Family Services attempted to visit her home but did not see her.
  - (3) Any action would require evidence that the persons formed a reasonable suspicion the child had suffered a non-accidental injury and having formed that view did not report. The Director of Family Services has written to those staff involved to clarify their obligations under the *Children and Young People Act 1999* in relation to reporting non accidental physical injury and sexual abuse.
- 

### Police force—computer-aided dispatch (Question No 1082)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 19 November 2003

In relation to the priority response model:

- (1) When calls are logged at the ACT Policing call centre, how many staff are employed to determine the priority category of incident types;
- (2) Are these staff sworn police officers;
- (3) If yes, what is the minimum years they have to be sworn and have had experience as a police officer to determine such priority categories;

12 February 2004

- (4) If no, what type of formal training are these civilians given to determine such priority categories.

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

- (1) The call centre trial began operating in 2003. Questions relating to earlier years are, therefore, redundant. For 2003-2004 to date, all staff in the call centre prioritise incidents relayed from incoming calls, with assistance of the Computer-Aided dispatch (CAD) system.
  - (2) Call centre staff include sworn and unsworn members.
  - (3) There is no minimum period of experience needed to determine priority categories for either sworn or unsworn members. The CAD automatically categorizes incidents. If a member has a query or needs assistance they will seek guidance and aid from the Communications Sergeant on duty. The Sergeant reviews all jobs logged in the system and checks priorities. They may change the priority if deemed appropriate.
  - (4) Answer is contained in the above response.
- 

### **WorkCover—workplace visits (Question No 1083)**

**Mr Pratt** asked the Minister for Industrial Relations, upon notice, on 19 November 2003:

In relation to ACT WorkCover visits:

1. The September 2003 quarterly performance report of ACT WorkCover states that 33 033 ACT workplaces have been contacted through advice and education. How many of these contacts have been by:
  - (a) ACT WorkCover officers personally visiting the workplaces;
  - (b) ACT WorkCover contacting the workplaces via telephone;
  - (c) ACT WorkCover contacting the workplaces via printed material sent to them;
  - (d) ACT WorkCover contacting the workplaces via email?
2. How many of these 33 033 workplaces contacted have been initiated by ACT WorkCover and not by the workplace?
3. Is there a communication strategy in place for the original target of 160 000 ACT workplaces to be contacted by 30 June 2004?
4. If yes, what is the total budget of the communication strategy?
5. If not, why not?

**Ms Gallagher:** The answer to the member's question is as follows:

1. WorkCover advises that during the quarter, the following contacts were recorded:

- (a) 496 visits/presentations to clients by WorkCover officers (this includes contacts through the WorkCover @ Work mobile education unit and presentations by the Workers Compensation Unit, the Dangerous Goods Unit and the WorkCover Education Unit. It does not include workplace inspections, which are reported separately. There were 972 workplace inspections during the quarter).
- (b) 7684 contacts via telephone
- (c) & (d) 23 503 contacts through printed material or email. WorkCover's information collection does not differentiate between provision of printed material in electronic and hard copy formats.

This adds up to a total of 31683 contacts. The remaining 1350 contacts were comprised of:

- (a) 698 counter enquiries at WorkCover offices;
  - (b) 122 clients contacted through meetings at WorkCover offices;
  - (c) 530 contacts with clients through the ACTSafe web-based education module.
2. WorkCover's information collection does not differentiate between contacts initiated by WorkCover and contacts initiated by clients.
  3. No. The target of 160 000 was set by reference to numbers of contacts between WorkCover and clients over the two preceding financial years.
  4. Not applicable.
  5. It is unclear to which of the preceding questions this question relates.

---

### **Planning costs (Question No 1086)**

**Mr Smyth** asked the Chief Minister, upon notice, on 19 November 2003:

In relation to the Canberra Plan, the Social Plan, the Spatial Plan, the Economic White Paper, the Non-Urban Study, the Urban Edge Review, the Stromlo Option and the ACT Water Strategy being developed by the Government; namely:

1. What is the estimated cost of each of these plans;
2. How much has been spent on the development of each of these plans to date;
3. How much of this has been spent on consultancy fees (itemised for each plan);
4. How much has been spent on printing (itemised for each plan);
5. How much has been spent on advertising;
6. How much has been spent on staffing costs;
7. How much has been spent on venue hire costs;
8. How much has been spent on public relations and media services.

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

I refer the Member to the Table (at Attachment A)

ATTACHMENT A

This table details essential strategic planning work for the Territory. Much of the work has also been able to contribute to the decision-making for current program efforts. In other circumstances some of these resources would be directed to annual strategic planning processes and evaluation. However, the Government is determined to bring the range of planning undertaken by government agencies within the framework of the Canberra Plan to provide a more strategic whole-of-government approach to the Territory's future direction.

Summary of Answers to QON 1086 – note that the costs are current to the end of 2003*									
Questions	The Canberra Plan	The Social Plan	The Spatial Plan	The Economic White Paper	The Non-Urban Study	The Urban Edge Review	The Stromlo Option	The ACT Water Strategy	
1. Estimated cost	Largely incorporated within existing agency budgets. As above.	\$251,525	\$1,489m	\$674,464	\$970,000	\$172,290	\$16,406	\$400,000	
2. Development Cost to date		\$251,525	\$1,405m	\$548,255	\$904,735	\$112,567	\$16,406	\$370,420	
3. Consultancies	Nil	\$224,150 (included in 2 above)	\$462,057	\$511,579	\$583,641	\$102,271	\$4,020	Nil.	
4. Printing	Nil.	\$21,000 (included in 2 above).	\$74,983	\$31,997	\$98,473	Nil	\$6,350	\$19,533	
5. Advertising	Nil.	\$4,000 (included in 2 above).	\$26,201	\$3,000	Incorporated within budget costs of the Bushfire Recovery Taskforce.	Nil	Nil	\$4,689	
6. Staffing Costs	Incorporated within existing agency budgets.	Incorporated within existing agency budgets.	\$735,234	Incorporated within existing agency budgets.	\$222,352	\$10,925	\$6,036	\$212,735	
7. Venue Hire Costs	Incorporated within existing agency budgets.	\$925 (included in 2 above)	\$12,316	\$1,619	\$267	Nil	Nil	\$5,226	
8. PR & Media Services	Nil	\$1,450 (included in 2 above)	\$16,009	Nil	\$9,600	Nil	Nil	Nil.	

\* There are other related costs to some of the Plans.

**Civic Youth Centre  
(Question No 1084)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 19 November 2003:

In relation to Civic Youth Centre:

- (1) In light of the redevelopment of the Griffin Centre and the temporary relocation of the Civic Skate Park, are there any plans to redevelop or refurbish the Civic Youth Centre;
- (2) If so, when is this scheduled to occur and what is the estimated budget;
- (3) If not, why not.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) No, but there are plans to replace the Civic Youth Centre in another location.
  - (2) N/A
  - (3) N/A
- 

**Gungahlin child care centre  
(Question No 1091)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services on 19 November 2003:

In relation to Gungahlin Child Care Centre, can the Minister advise:

- (1) Has the contract for provision of services been awarded yet. If so, when. If not, why not;
- (2) To whom was the contract awarded;
- (3) What fee structure was presented by the winning tenderer;
- (4) On what basis was the winning tender determined superior to other tenders;
- (5) On what criteria was the winning tender awarded.

**Ms Gallagher:** The answer to Mrs Burke's question is:

- (1) The sublease for the management of Gungahlin Children's Centre commenced on 1 December 2003.
- (2) The successful tenderer was Ms Lorraine Menzies.
- (3) The fees for the Gungahlin Children's Centre are \$225 per week, \$52 per day.

12 February 2004

- (4) The evaluation criteria were detailed in tender documents and evaluation plans for the potential tenderers.
  - (5) The assessment of tenders was undertaken against evaluation criteria which were priority weighted. Probity and independent financial advice was attained to ensure a comprehensive and detailed evaluation of the submissions. There was a strong field of tenders with 3 shortlisted for presentation. Accessible and affordable child care was a critical consideration in the selection of the preferred submission.
- 

**Director of Public Prosecutions  
(Question No 1093)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 20 November 2003:

In relation to the Director of Public Prosecutions Office:

- (1) Is it correct that the Director of Public Prosecutions is subject to a performance measure that requires a certain percentage of prosecutions to be successful each year;
- (2) If the answer to (1) is yes, what percentage of prosecutions have to be successful;
- (3) Why is such a measure included as a performance measure;
- (4) Would the Attorney-General table all relevant documentation in relation to this particular performance measure.

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

- (1) It is not correct.
  - (2) Not applicable.
  - (3) Not applicable.
  - (4) Not applicable.
- 

**Police force—call centres  
(Question No 1100)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 20 November 2003.

In relation to police call centres:

- (1) How many staff were employed by ACT Policing to carry out duties specifically related to ACT Policing call centres in:

- (a) 2001-2002;
- (b) 2002-2003;
- (c) 2003-2004 (to date);

(2) How many of these staff were sworn police officers in:

- (a) 2001-2002;
- (b) 2002-2003;
- (c) 2003-2004 (to date);

(3) How many of these staff were unsworn/civilians in:

- (a) 2001-2002;
- (b) 2002-2003;
- (c) 2003-2004 (to date).

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

(1) In answering this question, ACT Policing has interpreted call centre to mean the Communications team. It should be noted that not all staff working in the area are dedicated to answering incoming phone calls. The number of staff employed in this area for the following years is

(a) 2001-2002;

As of June 30 2002, in the communication centre there were 16 sworn police officers and 27 staff members.

(b) 2002-2003; 37 at 18 June 2003.

(c) 2003-2004 (to date); 39 at 17 December 2003. This includes 5 staff associated with the trial call centre to take calls directed to stations.

(2) Of these staff the breakdown of sworn police officers is as follows:

(a) 2001-2002; 16

(b) 2002-2003; 12

(c) 2003-2004 (to date); 13

(3) Of these staff unsworn/civilians were as follows:

(a) 2001-2002; 27

(b) 2002-2003; 25

(c) 2003-2004 (to date) 26 (5 of which related to the trial call centre).

---

### **Transport study (Question No 1110)**

**Mrs Dunne** asked the Minister for Planning, upon notice:

In relation to the integrated transport study:

(1) What costs had been incurred in relation to the preparation of the integrated transport study including:



12 February 2004

- (a) staff;
- (b) consultants (please itemise);
- (c) commissioned research;
- (d) advertising and publicity;
- (e) venue hire;
- (f) facilitators and presenters;
- (g) graphic design;
- (h) printing and editing;
- (i) distribution.

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

- (1) The costs incurred up to the end of November 2003, in relation to the preparation of the Sustainable Transport Plan (an integrated transport strategy), are as follows:

(a) Staff and contractors	\$276,969
(b) Consultants	
i. Kellog Brown Root (Public Transport Futures Feasibility Study consultant)	\$243,191
ii. Sinclair Knight Mertz (Costing Study)	\$45,000
iii. Phillip Eliason (Communication)	\$5,140
iv. James Barker (survey & analysis)	\$1,270
(c) Commissioned research	Nil
(d) Advertising and publicity	\$6,172
(e) Venue hire	\$175
(f) Facilitators and presenters	Nil
(g) Graphic design	Nil
(h) Printing and editing	\$220
(i) Distribution	Nil
Total to date: \$578,137. All amounts are GST exclusive.	

---

**Government—overseas trips  
(Question No 1112)**

**Mr Smyth** asked the Chief Minister, upon notice, on 25 November 2003:

- (1) On how many occasions has the Government attended or sent representatives on overseas trips to promote Canberra internationally;
- (2) Regarding these trips:
  - (a) when did they take place;
  - (b) to where and for what purpose;
  - (c) who attended;
  - (d) what was the cost;
  - (e) what are the agreements that have been reached since to benefit Canberra;
  - (f) what work is ongoing in international marketing to promote Canberra overseas.
- (3) What has the Government done since coming to office to expand on the partnerships that were already being formed by the former Government in Africa?

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

- (1) The Minister of Economic Development, Business and Tourism, or his representative(s) have undertaken the following trips, to promote Canberra internationally from 2001-2003:

2001 – 6 trips, total cost to Government is estimated at \$27K <sup>1</sup>

2002 – 12 trips, total cost to Government is estimated at \$184K <sup>2</sup>

2003 – 13 trips, total cost to Government is estimated at \$162K <sup>3</sup>

<sup>1</sup> The 6 trips were to (1)Bangkok, (2)Singapore & Malaysia, (3)Delhi & Mumbai, (4)Auckland, (5)South Africa, England & Canada, (6)Shanghai.

<sup>2</sup> The 12 trips were to (1) Singapore, Bangkok & Kuala Lumpur, (2)Auckland, (3)Amsterdam & Ottawa, (4) Malaysia, (5)Singapore & Malaysia, (6) Taiwan, (7) Malaysia, (8) Suzhou, (9)China (10) USA & UK, (11) Beijing, (12) Hangzhou.

<sup>3</sup> The 13 trips were to (1) Beijing & Hangzhou, (2) Beijing & Hangzhou, (3) Beijing & Hangzhou, (4) Singapore, (5) Auckland, (6)Canada, (7)Tokyo, (8)Hong Kong, (9) Hong Kong & Shenzhen, (10) Taipei (11)Shenzhen, (12)USA (13)Penang.

- (2) Various government and community representatives including the Chief Minister, Minister for Economic Development, Business and Tourism, BusinessACT representatives, Australian Capital Tourism Representatives, opposition representatives, business representatives and education representatives have participated in these activities.

Various outcomes have been achieved including but not limited to:

- MOU(s) with international economic development agencies;
- Recruitment of students to ANU, University of Canberra, CIT and colleges;
- Relationships formed with overseas tourism agents;
- Inclusion of Canberra product in international tour brochures;
- Business development and export outcomes, including supporting 8 Canberra Companies participating in Australia, New Zealand America Technology Showcase (ANZATECH) – the only US conference that exclusively showcases Australia and New Zealand technology to the US market;

12 February 2004

- Cross-promotional opportunities with the Canadian Tulip Festival; and
  - Opportunities in China leading up to the Beijing Olympics.
- (3) In April 2002, during a visit to South Africa a senior officer from BusinessACT met with the Executive Mayor of the Metropolitan Municipality of Tshwane to deliver a letter from the Chief Minister inviting the Mayor to bring a delegation to the ACT to progress the relationship. Discussions are progressing with the possibility of the Executive Mayor visiting Canberra after the South African National elections in 2004.

In addition, a number of visiting South African delegations have met with BusinessACT and BusinessACT has provided contacts and networks for ACT firms who have an interest in developing business-to-business relationships in South Africa.

All international relationships need to provide benefits to the ACT in terms of the development of business-to-business or community-to-community relationships.

---

### **Vocational education and training (Question No 1116)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 25 November 2003:

In relation to subjects and students in the Vocational Education and Training (VET) sector:

- (1) Please provide a current list of VET subjects offered, showing breakdown by institution in the ACT;
- (2) Please provide the numbers of students enrolled in each course for 2002 and 2003 and retention rates for each course offered;
- (3) Further to (1), where applicable, please indicate any changes proposed for courses offered for 2004.

**Ms Gallagher:** The answer to Mrs Burke's question is:

- (1) This information is available via the Department of Education, Youth & Family Services web site.
  - (2) Nationally audited data sets of all training, including User Choice funded, are reported by the National Centre for Vocational Education Research (NCVER).
  - (3) RTOs have nominated their changes to delivery intentions for 2004. This process closed on 8 December 2003.
-

**Vocational education and training  
(Question No 1119)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 25 November 2003:

In relation to training and Adult Education (TAE) in the Vocational Education and Training (VET) sector:

- (1) Please provide details as to how the \$500,000 funding given to TAE has been used to date. Please indicate what, of remaining funds, expenditure is proposed, and when;
- (2) Please give details of the mechanism used by the Government to currently obtain industry advice to assist in the development of VET in the ACT;
- (3) What mechanisms for feedback are in place to ensure that the training given via the training packages is meeting the current needs of business and industry in the ACT.

**Ms Gallagher:** The answer to Mrs Burke's question is:

- (1) The total Appropriation allocated for the coordination and purchasing of vocational education and training services, administered by Training and Adult Education, is \$19.253m. There is no identified initiative in the current budget for an amount of \$500,000 "funding given to TAE". As such I am unaware of the nature of the funds to which the question refers.
- (2) Sources of industry advice include:
  - Forums
  - Focus groups
  - Surveys
  - Feedback from consultation documents

The newly formed ACT Industry Advisory Association provides industry information on the 19 major industry areas at half yearly intervals. Demographic, economic and labour force indicators also feed into this planning process.

- (3) Feedback is provided through a number of mechanisms including:
  - National Training Package Consultation process
  - National Training Package Review process
  - High Level Review of Training Packages

Information is also gathered from a number of sources, through Industry Training Advisory Board consultation and business and industry forums as well as from individuals and registered training organisations as part of client focus surveys.

---

12 February 2004

**Weed control  
(Question No 1121)**

**Mrs Dunne** asked the Minister for Environment, upon notice:

In relation to weed control:

- (1) How many hectares of the ACT outside the urban areas are under Government management;
- (2) How many hectares of these were burnt out in the January fires;
- (3) Which of these areas have been inspected by government or independent agronomists to advise on weed control action;
- (4) When was this undertaken;
- (5) What were the estimated costs for weed control and what was the basis of these costs;
- (6) In how many of these areas has the recommended weed control program been followed;
- (7) Specifically, since the fires, how many hectares outside the current urban area of Canberra have been treated or sprayed for:
  - (a) Paterson's curse;
  - (b) St John's wort;
  - (c) other weeds;
- (8) When did this occur;
- (9) How much money has been spent on weed control in:
  - (a) 1999-00;
  - (b) 2000-01;
  - (c) 2001-02;
  - (d) 2002-03;
  - (e) so far in 2003-04.

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

- (1) 159,000 hectares
- (2) 129,000 hectares
- (3) All broad areas that were burnt in the January fires have been assessed for weed control.
- (4) This was undertaken progressively after the fires. Different weeds have different germination periods.
- (5) While the full picture of weed growth is emerging, the funding allocated for weed control is deemed to be adequate to meet the predicted requirements. The weed growth in burnt areas will require several years to be brought under control.

- (6) The recommended program is being followed in all areas. However, priorities may change because of seasonal conditions and germination rates of some weed species.
- (7)
- (a) 100 hectares of infestation
  - (b) Weed control for St John's wort is currently in progress as the window of opportunity for control is during flowering.
  - (c) Control of other weeds in burnt areas has been limited as regrowth is not sufficient to carry chemicals to the roots and kill the plant. ACT Forests have worked on woody weed control (mainly blackberry bushes) and control of serrated tussock throughout the 10,000 hectares of burnt forestry land.
- (8) Control of weeds in burnt areas has been ongoing since April 2003
- (9) Environmental weed control is undertaken on land managed by Environment ACT and ACT Forests. The cost for land *managed by Environment ACT*:
- (a) \$507,568
  - (b) \$538,501
  - (c) \$480,493
  - (d) \$341,910
  - (e) A total of \$80,652 has been spent on weed control by Environment ACT up-to the end of November 2003.

Weed control projects to the value of \$101,500 have been started but were not completed at the end of November 2003. A further \$350,000 is expected to be spent by the end of February 2004, with the balance spread over the three months to the end of May 2004.

Since 2001-2002 ACT Forests have received \$100,000 per annum to spend on environmental weeds and \$50,000 per annum on pine wilding removal under its Community Service Obligation (CSO). It will spend \$80,000 on blackberry weed control from its annual CSO funding this summer and autumn. It will spend about \$5,000 on St John's wort in a program with Environment ACT in the next few weeks. This is additional to expenditure on weed control related to forestry operations.

---

### **Graffiti (Question No 1126)**

**Mr Cornwell** asked the Minister for Police and Emergency Services, upon notice, on 25 November 2003.

In relation to graffiti in the 2002 calendar year and the 2003 calendar year to date:

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

- (6) What was the cost to the taxpayer of the graffiti cleanup in 2002 and 2003 to date.

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

- (1) During 2002 a total of 84 graffiti offences were reported to police. During the period 1 January to 31 October 2003, 51 graffiti offences were reported to police.
- (2) Yes all reports of graffiti offences were investigated.
- (3) During the 2002 calendar year ACT Policing laid 19 charges in relation to Graffiti Offences. In the current calendar year to 31 October 2003 ACT Policing laid 6 charges in relation to Graffiti Offences
- (4) Four were successfully prosecuted in 2003.
- (5) Penalties predominantly involved fines, community orders and good behaviour bonds.
- (6) According to data provided by Canberra Urban Parks and Places, Urban Services, the costs of graffiti clean ups are contained in Tables 1 and 2.

Table 1: Expenditure 2002-03

Graffiti - Removal from Public Assets	\$826,853
Graffiti - Removal from Private Assets	\$204,600
Total	\$1,031,453

Table 2. Expenditure on public and private graffiti to 19 Dec 2003 (2003/04):

	Annual Management Budget	Expenditure
Graffiti - Public Assets	\$755,124	\$365,672.20
Graffiti - Private Assets	\$208,000	\$31,616.10
Total	\$963,124	\$397,288.30

The information provided represents financial years.

---

### **Legislative Assembly—staff counselling (Question No 1127)**

**Mr Cornwell** asked the Chief Minister, upon notice:

In relation to the provision of an employee assistance program by Davidson Trahaire Corpsych to staff of the Legislative Assembly:

- (1) Is this arrangement to provide free counselling services extended to all executive staff of the Legislative Assembly, or are there exceptions:
- (2) What is the cost to the ACT Government for the provision of this service;

- (3) Why was this service introduced to executive staff of the Legislative Assembly.

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

- (1) The Chief Minister's Department and the Department of Treasury currently have a single contract with Davison Trahaire Corpsych for counselling services.

This contract is for departmental staff and does not explicitly extend to Ministerial staff employed under the *Legislative Assembly (Members Staff) Act 1989*. However, Ministerial staff could access counselling support under this contract.

- (2) The cost to the ACT Legislative Assembly Secretariat for the provision of the counselling services by Davidson Trahaire Corpsych is based on usage of the service. The service provider has not been able to identify any staff of Ministers who have used the service provided under the contract.
- (3) This service is part of an existing departmental arrangement. It is widely recognised that such services can help reduce the incidence, severity, and costs of workplace injury and enhance compliance with occupational health and safety obligations.
- 

### **Security upgrades (Question No 1130)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 26 November 2003:

In relation to security upgrades:

- (1) Why was the allocation of \$200 000 for security upgrades revised down to \$97 000 in the 2002-03 capital works program;
- (2) Which schools or community groups missed out on security upgrades due to the downward revision of \$103 000;
- (3) What security measures were installed and where as part of the \$97 000 expended in 2002-03;
- (4) Have any funds been made available for security upgrades in 2003-04, if not, why not. If so, how much has been allocated;
- (5) If yes to (4) have any bids been made for work in 2003-04, if so, which schools or community groups have made bids and for what type of security upgrade.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) The allocation of \$200 000 for security upgrades was revised down to \$97 000 in the 2002-03 capital works program due to delays in resolving the approved scope of work for security fencing around Evatt Primary School with the school community and ACT Planning Authority.



(2) No school or community group missed out on a security upgrade as a result of this change. It is proposed to undertake the work at Evatt Primary School as part of the 2003-04 program.

(3) The security measures installed in 2002-03 were:

Security Lighting	Southern Cross Primary School
Security Detectors	Hawker College
Security Lighting	Gowrie Primary School
Security Detector	Birrigai School
Security Fencing	Calwell High School
Security Fencing	Kambah High School

(4) In 2003-04 funding of \$240 000 has been allocated for security upgrades.

(5) A total of 14 schools made bids in the 2003-04 program to improve a range of security features to protect the school after hours. These features included security fencing and gates, improvements to external lighting and intruder alarm systems. The projects that received priority and are funded in 2003-04 are:

Evatt Primary School	Security Fencing
Fraser Primary School	Security Lighting
Melba High School	Security Lighting
Wanniassa School Senior Campus	Security Fencing

---

### **Schools—refurbishments (Question No 1131)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 26 November 2003:

In relation to older schools refurbishments:

- (1) Why was the approved financing of \$2.5 million for older schools refurbishments in the capital works program for 2002-03 revised down to \$2 million;
- (2) Which schools benefited from the works undertaken as part of the \$1.294 million expended in 2002-03, and what works were undertaken at each school;
- (3) What schools missed out due to the budget being revised down by \$706 000, and what works were anticipated as part of the original approved financing;
- (4) Will the outstanding authorisation of \$1.206 million be expended on older schools refurbishments this financial year. If so, which schools will benefit and what works will be undertaken at each school.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) The approved financing was revised down to \$2 million for this project because construction commencement was later than planned. The balance of \$0.5 million was rolled over to 2003-04.

- (2) The two schools benefiting from the works are Lyneham High School and Dickson College. The works being undertaken at each school includes toilet upgrades, improvements to fire, security and lighting systems, painting and replacement of floor coverings. Also the Antill Theatre at Dickson College is being extended and the home science rooms at Lyneham High School are being upgraded.
  - (3) The budget has not been revised down by \$706 000.
  - (4) The balance of the project authorisation of \$1.206 million will be expended this financial year on Lyneham High School and Dickson College. Work at these schools is scheduled for completion in February 2004.
- 

### **Gungahlin school—capital works (Question No 1132)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 26 November 2003:

In relation to capital works expenditure for the Gungahlin Primary and High Schools:

- (1) What work remains to be completed on the Gungahlin Primary School with the outstanding authorisation of \$8 621 000;
- (2) Why was there an underspend of \$1 679 00 for the allocation in 2002-03 and does this mean the primary school project is behind schedule;
- (3) What has been delivered for the \$200 000 expended to date on the Gungahlin High School;
- (4) Why was there an underspend of \$300 000 on the Gungahlin High School in 2002-03;
- (5) What works remain to be completed with the \$19 755 000 outstanding authorisation for the high school project.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) Work remaining on the Gungahlin Primary School, as at 30 June 2003, was the bulk of the building construction, internal fit out and landscape works. Works remaining as at 1 December 2003 are some internal painting, joinery fit out, some floor coverings, final installation of services to the internal areas of the buildings and the balance of landscape planting.
- (2) The underspend in 2002-03 was due to project slippages. Gungahlin Primary School is currently on target to be handed over on 19 January 2004, ready for the commencement of the 2004 school year.
- (3) The \$200 000 spent in 2002-03 on Gungahlin High School was for design, planning and documentation work.
- (4) Delays in the design of the high school resulted in an underspend in 2002-03 of \$300 000. These funds were rolled over to 2003-04.

12 February 2004

- (5) As at 30 June 2003 construction work on the high school had not commenced. Construction of the high school commenced in September 2003 and work is progressing on schedule with bulk earthworks and in-ground services being completed currently. The outstanding authorisation will be expended progressively as the project progresses towards a programmed completion date of December 2005.
- 

**Emergency Services—projects  
(Question No 1133)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 26 November 2003:

In relation to works in progress in emergency services:

- (1) Have any of the projects below been scrapped:
- (a) Belconnen Joint Emergency Services Centre;
  - (b) Joint Emergency Services Training Centre;
  - (c) Joint Emergency Services Centre - West Belconnen;
- (2) If so, which projects have been scrapped and why. If not, will any funds be expended on (a), (b) and (c) above this financial year. If so, how much and on which projects.

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

- (1) (a) No.  
(b) No.  
(c) No.
- (2) Yes, funds will be expended in this financial year. The extent of this expenditure is unknown at this time.
- 

**Children in care  
(Question No 1135)**

**Mrs Burke** asked the Minister for Education, Youth and Family Services, upon notice, on 26 November 2003:

In relation to children in care:

- (1) How many children in the ACT are cared for by adults other than their lawful parents;
- (2) How many grandparents are registered carers of children in the ACT;
- (3) What support do grandparents who are carers of children receive from the ACT Government;
- (4) How many registered foster carers are there in the ACT at:
- (a) the current date
  - (b) in 2002-03;

- (c) 2001-02;
- (d) 2000-01;
- (5) How much money was spent on a recent campaign encouraging people to consider becoming foster carers/parents;
- (6) Further to (5), what were such funds expended on;
- (7) Did this campaign have any impact on the overall number of foster carers/parents;
- (8) Are any further such campaigns proposed in the period to 30 June 2004. If so, please provide current details, if not, why not.

**Ms Gallagher:** The answer to Mrs Burke's question is:

- (1) There were 298 children in out of home care as at 30 November 2003. Of the 298 children, 108 are cared for by Kin. These numbers do not include 7 children in Kinship Care who are by choice not receiving financial support.
- (2) No specific data is kept by the Department of Education, Youth and Family Services database on grandparents. The category used in the database is "Care by Kin" which can include blood and biological relatives, but can also include other significant people who have had previous relationship with the child.
- (3) Kinship carers, including grandparents, are provided with both personal and financial support from case workers within the regional offices of Family Services. This support is offered particularly to children who are on court orders and also children who are on child protection follow up.
- (4) Registered foster carers in the ACT are:

(a) to date	252
(b) in 2002-03	234
(c) 2001-02	239
(d) 2000-01	164

Questions (5), (6), (7) and (8) relate to activities that are instigated and undertaken by the non-government agencies that Family Services currently have funding arrangements with, such as Barnardos, Galilee and Marymead. The expenditure for campaigns encouraging people to consider becoming foster carers/parents would be out of their operational funds and therefore not provided to us in the detail required for these questions.

---

**Nolan Gallery  
(Question No 1139)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to the Nolan Gallery:

- (1) What funds does the ACT Government provide to the Nolan Gallery on an annual basis?

12 February 2004

- (2) How much will the study into the Nolan Gallery's future, as reported on the ABC on 15 November 2003, cost and who will undertake the study?
- (3) Is there any threat that the Nolan Gallery will be forced to close to the public?
- (4) What support will the Government give the Nolan Gallery if the study finds new education and visitor facilities should be established?

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

- (1) The total operating costs of the Nolan Gallery in 2002/2003 were \$263,112. These costs were covered by: \$186,975 in Commonwealth funding; \$20,753 in revenue from admission fees, merchandise sales and charges for education and public programs; and \$55,384 in ACT Government funding.
- (2) As per Pg. 429 2003-2004 ACT Budget Paper No 4, an amount of \$50,000 has been provided for a feasibility study into providing greater access to the Nolan Collection and developing an orientation centre at Lanyon. This amount includes \$45,000 for consultant fees with the remainder being used to cover procurement expenses, advertising costs and other costs associated with the study. On 15 November 2003 the Cultural Facilities Corporation advertised in the local and national press, calling for proposals for a Project Management Consultancy to undertake the *Nolan Gallery/Lanyon Feasibility Study*. The successful applicant was Canberra-based firm APP Corporation P/L, and the study will commence early in 2004.
- (3) No decisions regarding the Nolan Gallery will be made until completion of the study, currently aimed at 30 June 2004. The goal of the study is to achieve greater awareness, profile and visitation for the Nolan Collection which is of national and international significance. The study brief notes that the Corporation is seeking to at least double visitation to the collection over the next five years.
- (4) If the study finds that new education and visitor facilities should be established, then the Government would consider support for these facilities in the context of the annual capital works program.

---

### **Schools—transportable amenities (Question No 1142)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 27 November 2003:

In relation to the transportable amenity improvement program (TAIP):

- (1) Why was TAIP revised down by \$35 000 in the 2002-03 capital works program;
- (2) What schools have missed out on improving the amenity of their transportables due to the expenditure being revised down;
- (3) What schools benefited from the \$65 000 spent last financial year and what works were undertaken as part of that expenditure.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) The value of bids submitted by schools for the transportable amenity improvement program funding totalled \$65 000. Consequently the project value in the 2002-03 capital works program for this item was revised down by \$35 000.
- (2) No schools that sought to improve the amenity of their transportable classrooms have missed out on funding.
- (3) The schools that benefited from the \$65 000 spent last financial year and works undertaken are as follows:

Gilmore Primary School	Air conditioning
Isabella Plains Primary School	Air conditioning
Gordon Primary School	Air conditioning
Miles Franklin Primary School	Air conditioning
Chisholm Primary School	Air conditioning
Monash Primary School	Air conditioning

---

### **Crime—school thefts (Question No 1143)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 27 November 2003:

In relation to school thefts:

- (1) How many schools have been broken into so far this school year;
- (2) In each case what goods were stolen from the school and what was the value of each theft;
- (3) How many (a) school computers and (b) teacher computers have been stolen from schools so far this year;
- (4) In how many cases did the school itself have to recover insurance costs;
- (5) In how many cases did the Department of Education, Youth and Family Services recover the insurance cost;
- (6) What is the average cost of theft to schools in Canberra each year;
- (7) What level of theft must occur before the Department picks up the insurance costs; and
- (8) Has there even been an instance where a school has not been able to afford the insurance costs associated with theft. If so, which school, when, and how was this/these cases then handled.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) Schools have reported a total of 117 break-ins across 34 schools in 2003 as at 8 December.

- (2) Not all break-ins result in theft. Of the 117 break-ins reported, 46 resulted in theft this year, including the theft of computers.

The following items (excluding computers) have been stolen in the reported break-ins: Oxy & acetylene equipment, televisions, digital video disc players, video cameras, data projectors, digital cameras, digital video cameras, digital video discs, food from canteen, metalwork equipment, compact discs, fax machines, a ride-on lawn mower, sporting equipment, a stereo system and video games items. The total value of theft of items (excluding computers) this year is \$94,826.

- (3) Over the past twelve calendar months a total of 37 schools reported thefts of computers. The total number of PCs (including laptops) reported stolen was 130 of approximately 14,000 computers in schools or less than 1%. Of these there were:
- (a) 60 school PCs or laptops; and
  - (b) 70 teacher PCs or laptops.
- (4) Four claims have been made by schools in 2003.
- (5) No claims have been made by the Department for theft of school-based assets in 2003.
- (6) The total replacement value of the reported theft of computers in the past twelve months is \$152,000. The total value of all other goods reported stolen from schools in the past twelve months is \$94,826. This represents an annual cost of theft to schools in Canberra of approximately \$250,000.
- (7) There is a \$25,000 deductible (excess) for each claim made under the insurance policy. In major instances the department would accept responsibility for the excess and reimburse schools.
- (8) No. See also the response to (7) above.

---

**Woden police station  
(Question No 1145)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on Thursday, 27 November 2003:

In relation to the Woden Police Station:

- (1) A total of \$5 million was allocated in 2002-03 for the Woden Police Station, but this figure was revised down to \$120 000, why is this so;
- (2) Why was only \$61 000 of that \$120 000 expended at the end of 2002-03;
- (3) What was delivered for the \$61 000 expended last financial year;
- (4) \$5.605 million has been allocated for expenditure in 2003-04, how much of that allocation has been expended to date this financial year. If funds have been expended this financial year, what has been delivered for that expenditure;

- (5) The date listed for starting work on this project is June 2003, is this still accurate and has work begun. If not, why not;
- (6) Will the remainder of the funds be expended this financial year;
- (7) Has a contract been let for this project. If so, who was awarded the contract, if not, when will the contract be let;
- (8) The completion date listed for this project in the Budget Papers is March 2005, while the date listed in the 2002-03 Capital Works Progress Report is June 2006. Which is the correct date, or is there a new date altogether.

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

- (1) The project funding allocated (\$5m), has not been revised down. The \$120 000 represented the estimated project expenditure for 2002-03.
- (2) Following the events of October 12 (Bali bombing), the Australian Federal Police reviewed the security of all of its buildings including the security measures incorporated in this project in the interests of community and police safety. This impacted on the progress and expenditure during 2002-03.
- (3) The \$61 000 was for project insurances and some initial work on the project brief by ACT Procurement Solutions.
- (4) The design team for the Woden Police Station was engaged by the Department of Justice and Community Safety in July 2003. A Development Application (DA) for the police station was lodged on 19 December 2003. Progress to date includes the Preliminary Sketch Plans and the Final Sketch Plan documentation completed for lodgement of the DA. ACT Procurement Solutions have not yet invoiced the Department for the design teams services to date this year.
- (5) The project activities commenced in June 2003 with the engagement of the design team following in July 2003.
- (6) The remainder of the allocated funds will not be expended this year however it is clear that the project is now advancing apace.
- (7) A contract was let for the design of the police station in July 2003 to Collins-Caddaye & Associates Pty Ltd. Another contract for the construction of the station will be let this financial year.
- (8) The present project timeline has a station commissioning date of March 2005. The date outlined in the Capital Works Progress Report is the project financial completion date provided by ACT Procurement Solutions which allows for a one year Defects Liability Period following commissioning of the station.

---

### **Housing—eligibility requirements (Question No 1156)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:



12 February 2004

In relation to issues concerning eligibility requirements for ACT Housing tenants:

- (1) What are the current processes for ensuring the eligibility requirements concerning both allocations and transfers are satisfactorily met within the system;
- (2) In relation to allocations, including early-allocations, how many individual cases involving the breach of the eligibility requirements have been identified:
  - (a) since 1 July 2003;
  - (b) for the period 1 July 2002 to 30 June 2003;
- (3) In relation to transfer applications, how many individual cases involving breach of the eligibility requirements have been identified:
  - (a) since 1 July 2003;
  - (b) for the period 1 July 2002 to 30 June 2003;
- (4) Further to (2) and (3), please identify the range of circumstances in which people are found to be in breach of these terms;
- (5) What immediate sanctions, if any, are imposed upon such persons upon ACT Housing becoming aware of such circumstances;
- (6) Further to (5), in relation to cases identified in (2) and (3) please indicate, by category identified in response to (5), the imposition of such sanctions for these cases for the periods stated;
- (7) Further to (5), what longer-term consequences, if any, apply to such people in terms of that future public housing options.

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

- (1) Eligibility for and allocation of public rental housing is administered under the Public Rental Housing Assistance Program (PRHAP). The information and documentation provided by applicants and tenants seeking a transfer is carefully analyzed at the time they make an application to see whether they comply with the eligibility requirements of the Program. If they do meet the criteria the names of eligible applicant or transferee are placed on a database in date order according to an assigned priority category. If they do not meet the eligibility criteria their application is cancelled.

The applicant or transferee is allocated accommodation when their name comes to the top of a designated waiting list. At this time a further assessment is made to ensure that the applicant or transferee still meet the eligibility criteria.

- (2) (a) Nil.  
(b) Nil.
- (3) (a) Nil.  
(b) Nil.
- (4) Not applicable.

- (5) Legal advice would be obtained on the action Housing ACT should take if a tenant is found to have provided false or misleading information with their application regarding their eligibility for public housing and/or at the time of their allocation of accommodation.
  - (6) Not applicable.
  - (7) An applicant or transferee may reapply for housing assistance at any time.
- 

**Graffiti  
(Question No 1158)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to public areas allocated for graffiti art:

- (1) How many public areas have been designated for the practice of graffiti art in the ACT;
- (2) Where are these areas located;
- (3) Have any other public areas been earmarked for future use as graffiti art spaces, and if so, where are these areas located;
- (4) Are there any particular criteria or conditions imposed upon users of public graffiti art spaces, and if so, what are they;
- (5) If the answer to (4) above is no, why not.

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

- (1) Fifty nine public areas have been designated for the practice of graffiti art in the ACT.
- (2) Please refer to *Attachment A* for the location of the areas referred to above.
- (3) There are numerous other potential graffiti art sites on public assets and these remain to be fully investigated on a case by case basis to ensure that the surface is suited to paint, that the artist's requirements are met and that the proposed works are acceptable to the adjacent community. These limitations mean that it is not feasible to investigate potential sites without the interest of an artist.
- (4) Yes, criteria and conditions apply to users of public graffiti art spaces. Artists generally identify potential sites and approach Canberra Urban Parks and Places (CUPP) for approval. Artists are then required to submit an *Application to use a public place for community and street art form* and adhere to general and special conditions that relate to the production of the artwork. These conditions are listed in *Attachment B*.

The cooperation of the asset owner is also sought and there is formal consultation with stakeholders when a site is identified. If an artist is unable to suggest a street art site CUPP will refer them to potential sites that suit their requirements.

- (5) The answer to (4) above is yes.

## ATTACHMENT A

	Name of Piece or Mural	Asset Owner	Location	Artist	Funding Yes/No	Completion Date	Pro- tected	Comments
1		Roads ACT	Underpass between Emu Bank and Chandler St Belconnen					Not being used
2	Snake Pit	Roads ACT	Woden Interchange	Nick Summers	Yes	Jun-01	Yes	Originally done April 1994. Cost of original unknown. Restoration completed June 2001.
3	Street Art	Roads ACT	Ginninderra Creek Underpass Flynn Section 136	Kurt Laurenson	No	Ongoing	No	
4	LEAP Mural	Roads ACT	Parkes Way Underpass (Near Anzac Park Offices)	CIT Solutions/ Unemployed Youth	Nil	Mar-96	Yes	
5	LEAP Mural	Roads ACT	Tuggeranong Town Park	CIT Solutions/ Unemployed Youth	Nil	Apr-96	Yes	
6	LEAP Mural	CUPP	Belconnen Library Forecourt	CIT Solutions/ Unemployed Youth	Nil	May-96	Yes	
7	Weston Creek Moon Mural	Roads ACT	Sect 61 Bl 7 Namatjira Drive Weston	Weston Creek Community Centre	Nil	May-96	No	Needs some restoration work or possibly a complete new work.
8	Commonwealth Park Mural	NCA	Amphitheatre Commonwealth Park	CIT Solutions/ Unemployed Youth	Nil	Oct-96	Yes	No input from CUPP
9	LEAP Mural	NCA	Parkes Way Underpass Commonwealth Parks Side (Near Anzac Park Offices)	CIT Solutions/ Unemployed Youth	Nil	Dec-96	Yes	No input from CUPP
10	School Mural	Campbell Primary School	Campbell Primary School	School Students	Nil	Dec-96	Yes	Only input from CUPP was Protective Coating
11	Street Art	Roads ACT	Storm Water Drains Callam St Woden	Various	Nil	Ongoing	No	Legal from Launceston St to walk bridge from Callam Officer
12	Mural	Downer Community Centre	Downer Shops	Unknown	Nil	Unknown	No	No input from CUPP
13	Street Art	Roads ACT	Florey Drive Macgregor	Various	Nil	Ongoing	No	
14	Street Art	Roads ACT	Narooma Street Isabella Plains		Nil	Ongoing	No	Not being used
15	Street Art	Sport and Rec	Weston Creek Skate Park Dillon Close	Various			No	Not being used
16	Street Art	CUPP	Section 208 Gungahlin (Yarrabi Pond District Park)	Various	Nil	Ongoing	?	Being used for Graffiti Demo as part of Skate Park Prowl 5/4/03
17	Street Art	Australian National Capital Art Centre	Rosevere Place Dickson	Various	Funding from ANCA	Jun-00	No	No input from CUPP
18	Street Art	Sport and Rec	Tuggeranong Skate Park	Various	Possible from Sport and Rec	Jul-00	No	No input from CUPP

20	Street Art	Northside Community Service	Mjaura Community Centre	Various	Northside Community Service	Jun-01	No	No input from CUPP
22	Dickson Mural	CUPP	Bus Shelter/Public Toilets Cowper Street Dickson	Michelle Hallinan/Majura School Students	\$2,260	Nov-01	Yes	Funding from CUPP
23	Street Art	Melrose Primary School	Sect 7 Bl 12 (Oval Toilet Block off Childe Place)	David Dillon	nil	Aug-01	No	Not In Use
24	Interchange Mural	Roads ACT	Woden Interchange					Currently being used for Advertising
25	Street Art	Red Hill Tennis Club	Red Hill Tennis Club	Michael Keeffe	Red Hill Tennis Club	Not Yet Painted	Yes	Not in use
26	Mural	Building Owner	Red Hill Shops	Red Hill Primary School	Building Owner/CUPP	Not Yet Painted	Yes	
27	Street Art	La Trobe Scout Troop	Sect 45 Bl 11 Deakin	Aaron Briggs	La Trobe Scout Troop	Nov-01	No	
28	Street Art	Campbell Scout Troop	Section 49 Campbell		Campbell Scout Troop	Not Yet Painted	No	
29	Mural	Private Owner	Sect 49 Bl 5 Campbell		Building Owner/CUPP	Not Yet Painted		Awaiting word from Owner
30	Street Art	Roads ACT	Underpass Maribyrnong Ave (between Diamantina and Daintree Cres		Nil		No	Not in use
31	Street Art	Roads ACT	Underpass Maribyrnong Ave (between Ashburton and Moruya Circuits		Nil	Unused	No	Not In Use
32	Street Art	Sport and Rec	Sect 64 Bl 4 Jerrabomberra Sports Ground Narrabundah	Michael Keeffe	Nil	Unknown	No	Currently Painted out
	Street Art/Mural	First Canberra Scouts	Sect 66 Bl 4 Turner	Sacha Jurkiewicz	First Canberra Scouts	Unknown	No	
33	Street Art/Mural	Bandits Baseball	Sect 1 Bl 24 Aranda	Unknown	Bandits Baseball	Unknown	Possible	Still looking for suitable artist
34	Street Art/Mural	Eagles Baseball	Sect 286 Bl 28 Kambah	Aaron Briggs	Eagles Baseball	Unknown	Possible	
35	Mural	John Hindmarsh Pty Ltd	Sect 19 Bl 16 Braddon	Sacha Jurkiewicz	Unknown	Unknown	No	Hording now removed
36	Street Art	Roads ACT	Sect 73 Bl 10 Kelleway Ave Nicholls	Edward Mowat	Nil	Feb-03	No	
37	Mural/Street Art	Urban Services	Sect 60 Bl 11 Curtin (Ron Reynolds Training Centre					Possible Legal Site
38	Mural/Street Art	Scouts Association ACT	Sect 60 Bl 14 Curtin (behind Ron Reynolds Training Centre	Unknown	Unknown	Unknown	No	Proposed
39	Street Art	Roads ACT	Underpass Damala St Waramanga	Will Davey	No	Unknown	No	Not being used
40	Mural/Street Art	Scouts Association ACT	Hovea St O'Connor					Proposed
41	Street Art	Roads ACT	Underpass Miller St and Macarthur Ave O'Connor	Paddy Quiggin	No	Unknown	No	Approved
42	Street Art	Roads ACT	"Underpass/ Stormwater Condamine St Section 66 Blocks 5, 3, 8 Turner "	Sean Leane	No	Oct/Nov 2002	No	

12 February 2004

43	Street Art	Roads ACT	Bridge corner Baldwin and William Slim Drive Lawson	Sean Leane	No	Oct/Nov 2002	No	Not used
44	Street Art	Roads ACT	Copeland Drive Evatt near Section 119 & 125	Sean Leane	No	Oct/Nov 2002	No	Not used
45	Street Art	Roads ACT	Bridge underpass Kingsford Smith Drive near Section 74	Sean Leane	No	Oct/Nov 2002	No	Not used
46	Street Art	Roads ACT	Bridge Underpass Barnard Circuit Florey between sections 58 and 59	Sean Leane	No	Oct/Nov 2002	No	
47	Mural/Street Art	Private Owner	Laneway Griffith Shops	Jeff Skewes/Aaron Briggs	Yes	Nov-02	Yes	Part of Griffith Shops Upgrade
46	Murals	ACTION	Kootara Crescent and Iluka St Narrabundah	Narrabundah Primary School/AFP	Yes (by AFP Crime Prevention Unit)	Jan/Feb 03	Yes	Project by AFP Crime Prevention Unit
47	Murals	ACTION	Kootara Crescent adjacent to Binya Place Narrabundah	Narrabundah Primary School/AFP	Yes (by AFP Crime Prevention Unit)	Jan/Feb 03	Yes	Project by AFP Crime Prevention Unit
48	Street Art	Sport and Rec	Toilet Block Lyneham School oval	Jamie Apathy	No	July/August 03		
49	Mural/Street Art	Roads ACT	Bridge walls floodway behind Kambah Village Shopping Centre	Aaron Briggs	Yes	Mar-03	Yes	Part of Kambah Village upgrade
50	Street Art	Leased by Valley Dragons Football Club	Gowrie Depot Section 228 Block 2	Aaron Briggs	No	2002	No	
51	Street Art	Roads ACT	Caswell Drive Aranda	Daniel Maginnity	No	2003	No	
52	Mural	Urban Services	Duffy Shops Fairfax Art	Duffy Primary School children	Yes	07/08/03	Yes	Official opening 15/8/03
53	Street Art	Roads ACT	Underpass off Badimara St Fisher (Under Parkway)	Will Davey	No	Mar-03	No	Currently Painted out
54	Street Art	Roads ACT	Underpass Frith Rd and Dryandra St Acton/O'Connor (Under Barry Drive	Daniel Maginnity	No	31-Aug-03	No	Commence 11 July 2003
55	Street Art	Belconnen Basketball Centre	Oatley Court Section 6 Block 13		No	2002	No	
56	Mural/Street Art	Netball Centre Lyneham	Federal Hwy Section 59 Block 34	Unknown	No	2003		Privately Done by Netball Centre
57	Street Art	Tuggeranong Skate Park	Tuggeranong District Park	Unknown	No	2003	No	Being used for Graffiti Demo as part of Skate Park Prowl 12/4/03
58	Street Art/Mural	Hackett shops	Hackett Shops	Unknown	No	2003	No	Private Agreement between Building Owner and Artist
59	Mural	Kambah Woolshed Springbett Street Kambah	Kambah Woolshed	Glen Schwinghamer	No	2003	Yes	Community Project with MacKillop Coll. Students

**ATTACHMENT B**

**CONDITIONS RELATING TO THE USE OF A PUBLIC SPACE FOR  
COMMUNITY ART OR STREET ART.**

**General Conditions**

1. Work is not to commence before the Applicant receives a copy of the approved application.
2. Approval to use an asset is at the desecration of the asset owner and therefore not always guaranteed.
3. A new application to paint over old work by the applicant needs to be filled out and approval given.
4. Where an old work is being re-used by the original applicant costs and materials to apply an undercoat is to be borne by the applicant.
5. Where a work is considered to be unsightly due to being hit by unauthorised tags the Department will have the work painted out.
6. Any work that has racist or political overtones, has offensive language or discriminates against any person or persons will be painted out.

**Special Conditions to be observed**

1. The area shall be managed by the Applicant in an orderly and safe manner. When vacated it should be left in a clean and tidy condition to the satisfaction of the Territory and at no expense to the Territory.
2. Should the need arise the area is to be vacated within a period specified by the territory.
3. Any damage to the site including grassed surfaces, footpaths, kerbs and gutters, trees, irrigation system, or any other installations or services contained within the unleased Territory land is to be fully restored by the applicant to the complete satisfaction of the Territory and at no expense to the Territory.
4. The Department reserves the right to impose any other conditions on the use of Territory land as it deems appropriate.
5. If this application is approved, all costs arising out of the Applicant's use of the area will be borne by the Applicant.
6. The Territory reserves the right to withdraw, make changes to, or change the conditions to an approved application at any time. Changes are to be completed at no expense to the Territory.

*Indemnity (Required if applicant is applying on behalf of a business, organisation or incorporated body). In consideration of the ACT Government (hereby called the Territory) permitting the use of a public place.*

*I/We.....*

*(Name of Organisation)*

*hereby indemnity and undertake at all times to keep indemnified the Territory, its officers, servants, and agents against all actions, proceedings, claims and demands which may be brought, made, or prosecuted against them for any injury, loss or damage arising out of the sue of the public place and against all costs, damages, and expenses which may be incurred by the Territory, its officers, servants, or agents in defending or setting such actions, proceedings, claims and demands. (Evidence of Public Liability Insurance must be provided with the application).*

12 February 2004

**Weston Park—vandalism  
(Question No 1159)**

**Mr Cornwell** asked the Minister for Police and Emergency Services, upon notice, on 9 December 2003

In relation to acts of vandalism at Weston Park:

- (1) How many reported acts of vandalism have occurred at Weston Park during (a) 2001 (b) 2002 and (c) 2003 to date;
- (2) How many offenders have been apprehended for such vandalism in the years (1) above;
- (3) How many prosecutions have there been or charges laid against such offenders in the years at (1) above.

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

- (1) The 2001 there were five reports of vandalism in the Park, in 2002 there were four and from 1 January 2003 to 30 November 2003 there were six.
  - (2) Nil.
  - (3) As above.
- 

**Youth—community-based orders  
(Question No 1161)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 10 December 2003

In relation to the September 2003 Quarterly Performance Report for the Department of Education, Youth and Family Services, Output Class 4.5, Youth Justice:

- (1) What are the reasons for more young people being referred to the courts than predicted leading to the number of custody days in the first quarter to be 2 232, nearly half of the target of 5 500 custody days for 2003-2004;
- (2) What are the reasons for more young people being referred by the courts than predicted leading to the number of youth on community based orders in the first quarter to be 253, over 90% of the amended target of 280 for 2003-2004;
- (3) What are the reasons for more young people being referred by the courts than predicted leading to the number of custody days used by youth with special needs in the first quarter to be 2 110, over 50% of the amended target of 4 000 for 2003-2004.

**Ms Gallagher:** The answer to Mr Cornwell's question is:

- (1) A custody day refers to a day spent either on remand or on a committal order. The number of custody days is determined by the courts. This is beyond the control of Youth Services.

- (2) The number of community-based orders is determined by the courts. It should also be noted that any community-based order administered during the previous financial year that is still active, would be counted within the relevant recording periods of the following financial year.
  - (3) The number of youths on community-based orders is determined by the courts and the target estimates are based on the previous year's results.
- 

**Teachers—quality  
(Question No 1162)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 10 December 2003:

In relation to teacher quality:

- (1) What is the Government doing to improve teacher quality in the ACT:
- (2) What programs have been implemented to improve teacher quality in Labor's time in office;
- (3) What programs are still to be delivered to improve teacher quality;
- (4) Is there any particular research regarding teacher quality or teacher pedagogy that the Government is looking at, if so, which research, if not, why not.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) The ACT has high quality teachers and a high quality education system. All teachers in ACT Government schools have Professional Pathways Plans. The Professional Pathways Program is the department's professional appraisal program for teachers. It provides a formal appraisal of teacher performance, and provides a means for teachers, principals and managers to recognise professional development needs for individuals and whole schools

The Centre for Teaching and Learning Technologies provides teachers with professional development based on research and focussing on leading practice. All teachers in ACT Government schools undertake a minimum of five days of professional learning programs annually.

- (2) Mr Pratt will recall previous announcements of the many initiatives implemented by the Government.

The following is an overview of some of the key programs:

- Teacher Fellowships have enabled 127 teachers to undertake postgraduate studies in education.
- The department is partnering with the University of Canberra to develop and implement accredited professional development programs. The first of those programs have focused on school leadership. Further programs will be developed in 2004.



12 February 2004

- Promoting Positive Behaviours programs have been conducted for 151 primary teachers, 30 school assistants and the entire staff of 2 schools.
  - Teachers have benefited from workshops in areas including robotics, global collaborative projects, multiliteracies, multimedia, school intranets and information literacy.
- (3) The School Excellence Initiative is being implemented. It provides the overarching framework for ACT Government school improvement, and for the improvement of teacher quality in our schools.

New programs planned for 2004 include:

- a whole school learning technology program to support the use of contemporary pedagogies that embed the use of technologies by all teachers.
  - programs focusing on Student Pathways and the Safe Schools Framework.
  - a program to share leading practices between ACT Government schools.
- (4) The department continuously monitors the outcomes of local and international research into teacher quality and teacher pedagogy. A professional learning knowledge base is being implemented in 2004 to provide easy access for teachers to that information.

Local research was commissioned to inform the High School Development Program and the education of boys.

---

### **Schools—transportable amenities (Question No 1163)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 10 December 2003:

In relation to the transportable amenity improvement program (TAIP) and further to your reply to Question on notice No 619:

- (1) Your reply to paragraph (3) of Question on notice No 619 you indicated that an answer could not be provided because the 2003-04 Budget had not been released. Now that the 2003-04 Budget has been released, has the TAIP program continued to be funded this financial year;
- (2) If no to (1) why not;
- (3) If yes to (1), have any schools applied for air conditioning this year;
- (4) Your reply to Question on notice No 619 indicated that Chisholm, Gowrie and Isabella Plains primary schools had been approved for air conditioning but a request for reimbursement had not been received and paid. Have receipts now been received and paid, if not, why not.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) The transportable amenity improvement program has continued to be funded this financial year.
  - (2) N/A.
  - (3) There have been three schools that have applied for air conditioning this year. They are Hawker College, Caroline Chisholm High School and Calwell High School.
  - (4) Chisholm and Isabella Plains Primary Schools have been reimbursed for the installation of air conditioning. Installation of air conditioning at Gowrie Primary School did not proceed as originally forecast, as the school no longer required the transportable.
- 

### **Schools—leadership (Question No 1164)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 10 December 2003:

In relation to a professional standards framework for leadership across ACT Government schools:

- (1) Is there a professional standards framework for leadership across all ACT Government schools;
- (2) If so, where may copies of the framework be obtained;
- (3) If not, would the Minister consider establishing such a framework as is currently being done in Melbourne in the Catholic schools sector to assist in providing professional development programs to support the implementation of the standards in schools, and support schools in their nurturing of teachers in leadership positions;
- (4) If no to (3) what is your reason for that response.

**Ms Gallagher:** The answer to Mr Pratt's question is:

- (1) Yes
  - (2) This information is available on the department's web site.
  - (3) N/A
  - (4) N/A
- 

### **Motor vehicle repairs (Question No 1166)**

**Mr Smyth** asked the Attorney General, upon notice, on Wednesday, 10 December 2003:

12 February 2004

In relation to motor vehicle repairers' code of conduct:

- (1) What changes have been made to this code of conduct recently;
- (2) Why are repairers being forced to sign up to the code of conduct;
- (3) Has the government had any complaints about the new changes or new enforcement guidelines put in place, if so, how many and what were the complaints highlighting.

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

- (1) The Code Administration Committee, which is established to administer the Code, has commenced a process of reviewing the Code. There have not been any substantive changes to the Code in the last year. The Committee did agree as part of the relaunch of the Code in September 2002 that a repairer would be complying with the Code if they displayed a copy of the Schedule A under the Code and provided a copy of the schedule to consumers, if requested, rather than being required to provide a copy to all clients.
- (2) The Code is a mandatory Code under the *Fair Trading Act 1992*. A person providing repairs is required to be registered under the Code and to comply with the other requirements outlined in the Code. The Office of Fair Trading (the OFT) has been pursuing a compliance program since the relaunch of the Code in September 2002 which initially focused on ensuring that all participants in the industry were registered. The program was delayed while court action was taken against two traders as test cases. Those matters have now been resolved and the OFT has recommenced its compliance activities concerning registration under the Code.
- (3) As part of the review of the Code industry participants who have ideas and concerns about the Code are being requested to put them in writing to the Code Administration Committee. I have referred one letter outlining concerns about the Code to the Committee for its information and attention. Issues raised included ongoing promotion of the existence of the Code, what constitutes 'adequate equipment and expertise' under the Code, and educational qualifications for mechanics.

---

### **Government patrons (Question No 1167)**

**Mr Smyth** asked the Chief Minister upon notice on 10 December 2003

In relation to patrons, what organizations in the ACT are you the patron of?

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

The following is a list of organizations that I have accepted to be patron of since coming into office in November 2001.

Australia Day in the National Capital  
Australia/Japan Society  
Australian Computer Society Inc  
ACT Organ Donation Awareness Foundation  
Belconnen Soccer Club

CFMEU Children's Healthcare Trust  
City Pipes and Drums  
Friendship Force Organisation  
Justice of the Peace Association  
Parent Support Service  
Royal National Capital Agricultural Society  
World Vision

---

**Government patrons  
(Question No 1168)**

**Mr Smyth** asked the Deputy Chief Minister, upon notice, on 10 December 2003:

In relation to patrons, what organisations in the ACT are you the patron of?

**Mr Stanhope:** The answer to the Member's question is as follows:

The Deputy Chief Minister, Mr Ted Quinlan MLA is the patron of three ACT organisations:

1. Murrumbidgee Country Club;
  2. ACT Bowls Association; and
  3. Billiards and Snooker Association ACT.
- 

**Government patrons  
(Question No 1169)**

**Mr Smyth** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to patrons, what organizations in the ACT are you the patron of?

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

None.

---

**Government patrons  
(Question No 1171)**

**Mr Smyth** asked the Minister for Education, Youth and Family Services, upon notice, on 10 December 2003:

In relation to patrons, what organizations in the ACT are you the patron of.

**Ms Gallagher:** The answer to Mr Smyth's question is:

I am patron of Belwest Foxes Soccer Club.

---

**ACTION—off-peak tickets  
(Question No 1172)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to pensioner off-peak bus tickets:

- (1) Has a concessions review commenced to consider the issue of extending the existing pensioner off-peak ticket to peak periods;
- (2) If yes to (1), when did this review commence and when will it be completed. If no to (1), why has this review not commenced and will it be undertaken in this term of government;
- (3) The off-peak concession ticket to non-peak periods was meant to be considered in the 2004-05 budget following investigation of the impact on the farebox revenue for ACTION and the level of additional funds required. Has an investigation of the impact on the fare box revenue and the level of additional funds required commenced;
- (4) If yes to (1), when did this investigation commence and when will it be completed. If no to (3), why has this investigation not commenced and will it be undertaken in this term of government?

**Ms Gallagher:** The answer to the member's questions is as follows:

- (1) Yes.
  - (2) The review commenced in September 2003 and was completed in November 2003.
  - (3) Yes.
  - (4) In the context of the review of the off-peak ticket, the investigation of the impacts on farebox revenue commenced in October 2003 and was completed in November 2003.
- 

**Water—stage 3 restrictions  
(Question No 1173)**

**Mr Cornwell** asked the Treasurer:

In relation to Government water savings:

- (1) What water savings have been achieved in ACT government agencies and departments since the beginning of stage 3 water restrictions?
- (2) What % reduction of water usage was achieved in ACT government agencies and departments with the introduction of
  - a - stage 1 - water restrictions;
  - b - stage 2 - water restrictions; and
  - c - stage 3 - water restrictions.

- (3) Do the figures in a, b, and c above meet target reduction requirements. If not were any penalties or warnings issued for not meeting targets?
- (4) What new measures have been introduced or implemented across Act Government agencies and departments to save water since the beginning of Stage 3 water restrictions.

**Mr Stanhope** (Acting Treasurer): The answer to the member's question is as follows:

- (1) It is too early to measure the savings achieved since the beginning of Stage 3 water restrictions because water bills for a full 3 month billing period have not been issued since they were introduced on 1 October 2003.

ACTEW will commence audits on large water users in early January 2004 to ascertain how measures are meeting the targets. This will incorporate a mixture of private sector and government users.

- (2) The savings that have been achieved for large water users in the ACT Government as a result of water restrictions are as follows:

***Canberra Urban Parks and Places (CUPP)***

Stage 1 - In parklands, watering ceased on Category 4 areas, and reduced by 15% on Category 2 and 3; on sportsgrounds watering reduced to 50% of normal on Category 4 grounds (14% of total sportsground area – about 20 grounds).

Stage 2 - Category 4 grounds and further parkland areas water turned off to achieve 25% target.

***ACT Housing***

Housing ACT is responsible for water bills for all its 11,430 properties. Unfortunately, the billing system does not discriminate between before and after the various stages were introduced so unless a property had its meter read on the day the restrictions commenced it is not possible to answer the question with the specificity sought.

***Schools***

Stage 1 – 7% saving

Stage 2 - 9%

Stage 3 - data indicates that ACT Government Schools are using 44% less water compared with the equivalent period of 2002.

***Department of Health***

Hospitals are limited in their ability to reduce water usage as the bulk of the use is internal and essential for to maintain health and hygiene standards.

***Totalcare***

Stage 1 - Drop from 105,184 kL in 2001/2002 to 77,630 in 2002/2003 = 27%

Stage 2 - Drop from 53,290 kL in 2002 to 39,130 in 2003 = 27%

*Canberra Institute of Technology (CIT)*

CIT embarked on energy management initiatives (both power and water) before "mandatory" requirements were imposed on other agencies. As a consequence, there has been less capacity to reduce internal and external water usage.

Stage 1 - The decrease in water usage for the CIT was 2.5% compared to the corresponding period last year.

Stage 2 - The decrease in water usage for the CIT was 12% compared to the corresponding period last year.

(3) No penalties or warnings have been issued to the ACT Government.

ACTEW advise that three penalties have been issued to businesses since 1 October 2003 for non-compliance with restrictions.

(4) The new measures that have been introduced and implemented for large water users in the ACT Government as a result of the Stage 3 water restrictions are as follows.

*Canberra Urban Parks and Places (CUPP)*

To comply with Stage 3 restrictions, reducing water use by 40%, CUPP will cut watering on parklands at a higher proportional rate than sportsgrounds to allow higher value grounds to be retained under normal watering.

CUPP will achieve greater than 40% reduction in water usage on urban parkland by turning off irrigation to all irrigated parkland (72 ha) except the highest priority sites, such as Glebe Park, Northbourne Avenue median, flowerbeds, and the grass areas immediately surrounding district playgrounds. In total 12 ha of irrigated urban parkland will continue to be irrigated (14% of total urban open space).

*Sportsgrounds*

- CUPP has been in close consultation with ACTEW and also with ACTSPORT and individual sporting organisations to advise them of our response and assist to plan usage programs.
- CUPP has classified all ACT Government sportsgrounds into four categories, based on relative status and usage levels:
  - Category 1, the highest status grounds, includes all enclosed ovals (24.6ha);
  - Category 2 consists of high use district playing fields (194.7ha);
  - Category 3 consists of lower use district playing fields and higher use neighbourhood ovals (53.7ha); and
  - Category 4 consists of lower use neighbourhood ovals (40ha).
- Watering has been discontinued on all Category 4 grounds and 44 hectares of Category 3 grounds. This represents about 30% of the total area of sportsgrounds. If they become unsafe or unsuitable the grounds will be withdrawn from formal sporting use.

- CUPP uses a sophisticated irrigation control system known as Control to irrigate most ACT Government sportsgrounds. The system uses advanced computer technology to control irrigation at grounds, linking individual ground controllers to a headquarters by radio. Water delivery is determined in relation to factors including net evaporation, soil type, grass type and sporting usage.
- While Control delivered water savings in the order of 20% after its installation, CUPP is working with CSIRO to explore whether the operation of Control can be further refined. CUPP continues to explore other strategies for reduction in water usage, including the use of grass types that require less water for survival.

#### *Parkland Areas*

- Except in extreme circumstances, CUPP will only irrigate areas between the hours of 8pm and 8am
- All sprinklers that remain turned on are to be re-checked to ensure no over spray is occurring and that they are functional.
- All irrigation controllers are to be re-inspected for efficient watering.
- Deep watering will be maintained, but at reduced frequency. This is necessary to continue to grow deep plant roots.

#### *Fountains*

- The fountains in public places must be turned off to avoid water loss through evaporation. This includes fountains at Hobart Place and Mawson.
- Fountains must be kept filled to protect pumping equipment and to avoid unattractive empty ponds. The fountains are to be drained, cleaned and refilled every three months to ensure the fountains do not become unsightly or health hazards.

#### *Shopping Centres*

Washing down of soiled paved areas at shopping centres, bus shelters and other public areas must be reduced to a minimum. Air or high pressure water equipment should be used to minimise water usage where practical. Some washing will continue to be necessary for health reasons.

#### ***ACT Housing***

The 40% reduction is being met through adherence to stage 3 water restrictions as they apply to residential properties. ACT housing residents are subject to the same water restrictions as any other Canberra resident.

ACT Housing installs water efficient devices as part of its ongoing maintenance program.

#### ***Schools***

Schools recognise that they have a key role to play in demonstrating to the community that the government is taking action in terms of their own facilities to reduce water consumption.



12 February 2004

Staff and students are asked to be conscious of water waste and minimise usage where possible.

\$200,000 has been allocated from the 2003/04 minor new works program to repair and improve efficiency of taps and urinals, and to install water displacement devices in cisterns, mainly in high school student toilets.

A project officer from Facilities Management of the Department of Education has been appointed to assist schools with the task of identifying areas within each school for achieving savings. The project officer will give priority to visiting schools that have a large site area compared to enrolment, and to high schools in relation to student toilets.

For the purposes of water restrictions schools are classified as parks, sports fields, golf courses and public gardens, so the requirement is that they need to achieve a overall reduction of 40% in water use. Under this classification sprinklers and hand held hoses can be used at any time. However, unless there are strong reasons to the contrary, grounds irrigation will not take place after 10am or before 7pm consistent with the requirement imposed on residential customers.

#### ***Hospitals (Canberra)***

The sprinkler system servicing the Canberra Hospital is turned off. The only watering is via rainfall. At present the "cut backs" have been voluntary and recent rainfall has assisted in maintaining growth during the Spring period. If this continues, plant loss is not expected. However, if a prolonged period of dry, hot weather is encountered, sprinklers will be reinstated. The preference for watering is the survival of plants, shrubs and established trees and letting the grassed areas remain unwatered except those areas with trees established.

#### ***Totalcare (Mitchell site)***

Totalcare is restricted in its ability to reduce water usage because its primary water usage is in the linen service. This washing must be undertaken to meet particular health standards.

Totalcare has improved mechanisms and procedures to improve water use. These have been primarily based on undertaking more efficient washing cycles and reducing the need for re washing as much as possible. These steps have resulted in a 26% decrease in water usage between 2001-02 and 2002-03.

Totalcare expects more reductions in water use are expected to be achieved in 2003-04 with the implementation of a new iron that will further reduce the need to re-wash.

Totalcare have implemented the following actions in response to Stage 3 water restrictions:

- All sprinklers have been turned off; and
- All on-site truck washing has ceased. Trucks are now washed at commercial car washing facilities that recycle water.

#### ***Canberra Institute of Technology (CIT)***

The CIT has been committed to the conservation of natural resources for many years and has invested funds to help achieve the ACT Government's initiatives for the conservation on natural resources. Savings on water consumption is of paramount importance to the Institute and the following programs have been implemented to help achieve the targeted 40% reduction in water use.

*Weston Campus*

Best practice techniques are adhered to wherever possible on the 10-hectare Horticultural training centre at Weston. These include:

- Use of bore water mixed with recycled water from campus dams.
- Watering on recreational lawn areas has been reduced by 50%.
- Evaporation is minimised through night watering.
- Cutting height of lawned areas has been raised to 50mm.
- Quality mulch has been spread on gardens and specimen areas.
- Collections in Glasshouses and Poly Tunnels have been consolidated.
- New plantings are restricted to natives and/or low water use plants and are heavily mulched.

*Reid and Fyshwick Campuses*

Watering of lawns and garden beds has ceased.

*Bruce Campus*

Campus grounds are watered using bore water only.

Bruce oval is leased to Raiders, although water consumption is metered through CIT water meter, CIT has no control over water use by the Raiders.

*Watson Campus*

This facility is leased to Academy of Interactive Entertainment and CIT has no control over water usage on the campus.

The tenants have ceased watering the lawns and 50% of urinal cisterns and toilets have been turned off or closed to minimise possibility of water leaks. Additionally, staff have been encouraged to report immediately any leaking urinal cisterns and toilet systems so that prompt rectification can be carried out as a matter of urgency so that water usage can be kept to a minimum.

---

**Water—Amaroo playing fields  
(Question No 1174)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

- (1) In relation to your response to Question on notice No 1067. In part (3) of your reply you stated that watering of Amaroo District Playing Fields 'is determined by rainfall, evaporation, the size of the complex and the number of stations on the irrigation system varies accordingly'. Can you explain why, on a number of occasions, after recent days of

12 February 2004

sizeable wet weather the ovals have continued to be watered with the sprinkler system, making them extremely soggy under foot. Is this not a waste of water when the rain was sufficient for that day or those days.

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

- (1) The irrigation system records for Amaroo District Playing Fields have been examined and show that the systems is functioning correctly. Due to good rainfall in November of 71mm and December of 38mm, it has only been necessary to operate the system on a few occasions to maintain the appropriate soil moisture that is required to keep turf healthy. Irrigation records show that there has been no water wasted and that the system has responded appropriately to rainfall.
- 

### **Horse Park Drive (Question No 1175)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

- (1) In the 2003-04 Budget Papers the completion date for Horsepark Drive from Katherine Avenue to the community precinct is June 2004. This completion date varies from the 2002-03 Capital Works progress report which indicates the completion date for this project is December 2003, while in the 2002-03 Budget Papers it is June 2003. What is the correct completion date for this project and is it running to schedule;
- (2) What is the location of the community precinct discussed in (1);
- (3) In the 2003-04 Budget Papers the completion date for Horsepark Drive from Katherine Avenue South to Katherine Avenue North is June 2004. This completion date varies from the 2002-03 Capital Works progress report, which indicates the completion date for this project is December 2003. What is the correct completion date for this project, is it running to schedule and why is this project not listed as new works in the 2002-03 Budget Papers;
- (4) In the 2003-04 Budget Papers the completion date for Horsepark Drive from Gundaroo to the Federal Highway is June 2004. This completion date varies from the 2002-03 Capital Works progress report which indicates the completion date for this project is February 2004, while in the 2002-03 Budget Papers it is June 2003. What is the correct completion date for this project and is it running according to schedule.

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

- (1) The Horsepark Drive from Katherine Avenue (North) to community precinct was completed in March 2003.
- (2) The community precinct is the area around the Amaroo Playing Fields.
- (3) Horsepark Drive from Katherine Avenue South to Katherine Avenue North was completed in October 2003.
- (4) Horsepark Drive from Gundaroo Drive to the Federal Highway will be completed in February 2004. The project was somewhat delayed from the dates mentioned in the

2002/03 budget papers due to design complications related to groups of trees. In relation to the 2003/04 budget papers, following completion of the design work and tendering process, the program was reassessed and an earlier completion was found to be possible.

---

**Lifeline emergency accommodation  
(Question No 1176)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

Further to your reply to Question on notice No 1047:

- (1) In your reply to paragraph (8) of the question you state that an additional \$93,000 has been allocated to enable CEAS to pre-lease six more accommodation sites for families over one year. Have these six sites been finalised, if so, where are they and how many people will each site house. If not, why not and when will those sites be finalised;
- (2) In your reply to paragraph (10) of the question you state that additional and clarifying reporting and data requirements have been included in Lifeline's contract for the second year. What additional and clarifying reporting and data requirements have been included in that contract.

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

- 1)
    - Yes
    - The pre-leased accommodation sites are predominantly located in the inner north and south. Given the nature of this service, consideration of privacy issues and the vulnerability of clients, it is departmental policy not to publish address details.
    - In addition to the six contractually required sites, CEAS has been able to secure one extra site providing a total of seven accommodation sites including two three bedroom and five two bedroom sites. These sites accommodate individuals, couples or families to the maximum capacity of the bedrooms. Accommodation sites are wholly occupied by individual clients or families, and are not shared by people unknown to clients. The three bedroom sites can accommodate families of up to six and the two bedroom sites can accommodate families of up to five.
  - 2)
    - In addition to existing data collection requirements, Lifeline has been requested to monitor:
      - Placements to crisis caravan accommodation (out-of-hours)
      - Breakdown of times when phone-calls are received
        - 9am-5pm
        - 5pm-12am
        - Midnight-6am
        - 6am-9am
-

**Indigenous housing  
(Question No 1177)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to indigenous housing forums:

- (1) How many residents attended the following indigenous housing forums held last week:
  - (a) North Canberra Community Meeting;
  - (b) Belconnen Community Meeting;
  - (c) Tuggeranong Community Meeting;
  - (d) South Canberra Community Meeting;
- (2) Who from the ACT Government attended these meetings;
- (3) What issues were raised that are relevant to the ACT;
- (4) What action will now be taken to progress some of the suggestions or feedback given at those meetings;
- (5) What percentage of ACT Housing tenants are indigenous Australians.

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

- (1) Persons were not requested to identify if they were community or public housing tenants, the purpose of this meeting was to seek broad community advice.
  - (a) A total of fourteen persons attended this meeting. One Commonwealth Government representative, 13 community organisation representatives and one ACT Government representative.
  - (b) A total of eight persons attended this meeting. Six representatives from community organisations and two ACT Government representatives.
  - (c) A total of twenty persons attended this meeting. One ACT government representative, one Aboriginal and Torres Strait Islander Commission (ATSIC) Regional Councillor, one NSW Housing officer, ten residents from Munjuwa Queanbeyan Aboriginal Corporation and seven representatives from Gugan Gulwan, some of which identified as Housing ACT tenants.
  - (d) A total of seventeen persons attended this meeting. Two ACT Government representatives, two Architects, nine community organisation representatives, one Aboriginal and Torres Strait Islander Services representative, two ATSIC Regional Councillors and one Commonwealth Government representative.
- (2) Officers from Housing Policy and Planning from the Department of Disability, Housing and Community Services attended all of the Forums.
- (3) All issues that were raised were relevant to the ACT. These included: the specific target groups that are in need of assistance; the need for Aboriginal and Torres Strait Islander staff within Housing ACT; the need for an Aboriginal Hostel in the ACT and; the preferred model for Aboriginal and Torres Strait Islander Housing in the ACT.

- (4) The purpose of the Mandatory Housing Forums was to consult with the Aboriginal and Torres Strait Islander communities about housing needs in the ACT and to feed into the Annual Plan under the Aboriginal and Torres Strait Islander Trilateral Housing Agreement. The Steering Committee under this Agreement will now use this information to identify short and long term priorities for Aboriginal and Torres Strait Islander housing in the ACT.
  - (5) As at June 2003, 281 people self identified as being Indigenous. These people make up 150 of the 11,234 households accommodated in Housing ACT properties.
- 

### **Bushfire Cooperative Research Centre (Question No 1178)**

**Mr Smyth** asked the Minister for Police and Emergency Services, upon notice, on Thursday, 11 December 2003:

In relation to the Bushfire Cooperative Research Centre:

- (1) In a press statement of 9 December 2003 you note that the ACT will contribute to the \$100m Bushfire Cooperative Research Centre study into bushfire arson. How much of that \$100m will be the ACT's contribution;
- (2) When will this research project be complete;
- (3) How will the ACT use the information contained in any final report.

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

- (1) The ACT will lead the bushfire arson research project and is committed to paying a cash contribution of \$20,000 per year. In return, the Territory will be given cash contributions from the Bushfire Cooperative Research Centre of \$39,000 in the first year and \$62,000 in successive years. The research will be conducted with the Australian Institute of Criminology and in-kind support from both the Territory and the Institute has been estimated at \$48,000 per year.
- (2) The approved research plan spans four years, as follows:

*December 2003-June 2004*

- International and Australian literature review on research into the profile of bushfire arson and what works in treatment for known arsonists.
- Scoping the nature and types of bushfire arson data accessible in Australia. This is thought to be problematic due to both the poor state of some fire authority data systems and collections (eg some smaller rural fire services) and also because of the difficulty in proving arson in bushfire settings and the difficulty therefore of being able to determine with a degree of certainty that arson was the cause of a fire.

*July 2004-December 2005*

- Data collection begins on bushfire arson incidence.
- Offender interviews begin – conclude in December 2005.

12 February 2004

*July 2005-2006*

- Research documented. Interim reports and seminars presented prior to final documentation.

*July 2006-June 2007*

Research outcomes:

- develop education and training modules on the findings for investigators, corrections personnel and community educators;
- develop supervision protocols for high-risk offenders during high-risk fire days;
- refine risk assessment tools for fire-fighter recruitment;
- develop a bushfire arson cost model; and
- establish protocols for the collection of a national minimum data set for bushfire arson.

- (3) The Bushfire Cooperative Research Centre is a national centre of research and accordingly research findings are required to have a national application.

The expected outcomes and uses for the research are described under question (2) above, for the year July 2006-June 2007.

---

### **Bushfires—commemoration (Question No 1179)**

**Mr Smyth** asked the Chief Minister, upon notice, on 11 December 2003:

In relation the bushfire commemoration in Commonwealth Park on Sunday 18 January 2004:

- (1) How much will the commemoration event cost ACT taxpayers;
- (2) How much will it cost the ACT Government for the professional event manager;
- (3) How much will it cost the ACT Government for musicians and other entertainers to perform at the commemoration;
- (4) From which appropriation will this event be funded.

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

- (1) The estimated cost of the ceremony is \$75,000 for the events manager, performers and technical costs. There may be some additional costs for items such as advertising and catering;
  - (2) \$26,702.50;
  - (3) \$19,000.00 (estimate only, pending finalisation of program);
  - (4) Chief Minister's Department Output Class 4.1 Bushfire Recovery.
-

**Community path repairs  
(Question No 1182)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to bikepath and footpath rehabilitation:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) At the end of the first quarter \$24 000 had been spent on this project. What works took place as part of that \$24 000 expenditure;
- (3) What works remain to be completed with the \$476 000 outstanding authorisation.

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

- (1) Community path repairs and upgrades at locations described below.
  - (2) Paths in O'Malley.
  - (3) Community path repairs and footpath rehabilitation including:
    - Grinding trip hazards on concrete paths across Canberra;
    - Repairs to the Manuka Oval asphalt path;
    - Repairs and improvements to create the Narrabundah Heart Foundation Walk; and
    - Repairs to concrete path joints in City and Dickson shopping areas.
- 

**Boiler upgrades  
(Question No 1183)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to replacement of Hackett boiler and North Curtin ESB boiler upgrade:

- (1) In the September quarter Capital Works report these projects are listed for completion in March 2003. Is this completion date correct given the projects are Minor New Works funded in the 2003-04 Budget;
- (2) If the completion date is correct why has \$0 been spent on both projects and when will these projects be completed; and
- (3) If the completion date is not correct what is the new completion date and when will works start.

**Mr Stanhope:** The answers to the member's questions are as follows:

- (1) The date was incorrect. It should have read March 2004.
- (2) Not applicable.



- (3) The anticipated completion date for both is March 2004. Tenders have been finalised and fabrication of the boilers is underway.
- 

**Cotter River bridge  
(Question No 1184)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the Cotter River bridge:

- (1) \$100 000 was allocated for this project in the 2003-04 budget and \$0 was spent in the first quarter. Is this project still on schedule to be completed in February 2004, given that no expenditure has taken place to date;
- (2) What works are actually scheduled as part of this project;
- (3) If no to (1) what is the new completion date and what has been the delay in beginning works.

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

- (1) The upgrade of Cotter Road Bridge currently under construction will cost \$0.5 million. \$0.4 million of this amount has been recovered from insurance, while \$0.1 million will be funded by the 2003/4 ACT Capital Works program allocation. All costs incurred to date for the bridge reconstruction, due for completion by the end of January 2004 have been covered by the insurance funds.
  - (2) The \$100,000 will enable a concrete deck to be provided for the new bridge rather than a timber deck, a feature of the destroyed bridge.
  - (3) The new bridge is currently scheduled to be opened by the end of January 2004.
- 

**Cotter Road-McCulloch Street intersection  
(Question No 1185)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to Road Safety Improvements

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) \$300 000 was allocated for this project but \$0 had been spent at the end of the first quarter. Is this project still on schedule to be completed this month given that no money had been spent at the end of the first quarter.

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

- (1) The works involves the upgrading of the Cotter Road/ McCulloch Street intersection including the provision of new traffic signals.
  - (2) The project was completed in November 2003. The project will be fully expended in the second quarter of 2003-04.
- 

**Veterinary examination room  
(Question No 1186)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to Domestic Animals Services, veterinary examination room:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) At the end of the first quarter \$0 had been spent on this \$100 000 project. Is this project still running according to schedule given that the completion date listed is February 2004;
- (3) If yes to (2) have works commenced and if so on what date did they commence. If no to (2) why not, what is the new completion date and what has been the delay with the project.

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

- (1) This project will refurbish an existing veterinarian examination and minor treatment facility at the ACT Government's Animal Pound at Mugga Lane, Symonston in order to meet its responsibilities under the "Code of Practice for the Handling of Companion Animals in Pounds and Shelters in the ACT".
  - (2) No
  - (3) New completion date is scheduled for end March 2004.
- 

**Conder water main  
(Question No 1187)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the water main to service Conder 4:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) \$500 000 was allocated for this project and \$65 000 had been spent at the end of the first quarter. What part of the project was that \$65 000 expended on;

12 February 2004

- (3) This project was scheduled for completion in November 2003 did this occur given that only \$65 000 had been spent at the end of September;
- (4) If yes to (3) on what date was the project completed. If no to (3) how much money has been spent on this project to date, what is the new completion date and what has been the cause of the delay.

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

- (1) The works involve the provision of a new water main to service the new estate of Conder 4.
  - (2) Initial expenditure involved design and tender preparation for the construction contract.
  - (3) The project was completed in November 2003.
  - (4) Practical Completion was achieved on 5 November 2003
- 

### **Police force—computer-aided dispatch (Question No 1188)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 11 December 2003:

In relation to computer aided dispatch:

- (1) In the September Quarterly Capital Works Progress Report \$51 000 was spent at the end of the first quarter for 2003-04 on the 'Computer aided dispatch'. What was delivered for the expenditure of this \$51 000;
- (2) What is the total amount of expenditure on this project as at 10 December 2003;
- (3) What work will be undertaken in the remainder of this financial year on the computer aided dispatch;
- (4) The completion date for this project is set at June 2004. Are plans still running according to schedule to meet this deadline, if not, why not.

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

- (1) The expenditure to 30 September 2003 was mainly a progress payment to the contractor for the development of the computer aided dispatch (CAD) software.
- (2) The expenditure on this project as at 10 December was \$375,758.
- (3) The major tasks to be completed by 30 June 2004 are:
  - i. install and test the final version of the CAD software (Vision 3);
  - ii. purchase and install operator consoles in the communications centre;
  - iii. purchase and install Mobile Data Terminals and Automatic Vehicle Location System into all Fire Brigade and Ambulance vehicles;

- iv. install Direct Turnout Systems in all fire and ambulance stations;
- v. train all operators; and
- vi. test and commission the CAD system.

(4) The project is expected to be completed by 30 June 2004.

---

**Woden police station  
(Question No 1189)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 11 December 2003:

In relation to Woden Police Station:

- (1) In the September Quarterly Capital Works Progress Report the actual start date for the Woden Police Station project is June 2003. But the funding breakdowns show that \$0 was actually spent on this project (excluding prior years expenditure) at the end of the first quarter for 2003-04. Why has no money been spent on this project when the start date was meant to be June 2003;
- (2) What work has been undertaken on this project and are any further plans available;
- (3) When does the Government see it may be able to advertise for tenders to undertake the work for the new Station;
- (4) What planning approvals will the design for the Station have to go through before construction can start.

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

- (1) The Project activities commenced in June 2003 with the engagement of the design team following in July 2003. Expenditure has not been recorded as ACT Procurement Solutions have not yet invoiced the Department for the design team's services.
  - (2) The design team for the Woden Police Station was engaged by the Department in July 2003. A Development Application (DA) for the Police Station has recently been lodged. Progress to date includes the Preliminary Sketch Plans and the Final Sketch Plan documentation completed for lodgement of the DA.
  - (3) A contract was let for the design of the Police Station in July 2003 to Collins-Caddaye and Associates Pty. Ltd. Another contract for the construction of the Station will be let this financial year, subject to Development Application approval.
  - (4) This project will be subject to the same planning approval process as all private and government development. The design has been through the High Quality Sustainability Design process and will require Development Application approval and Building Certification.
-

12 February 2004

**Megalo Access Arts Centre  
(Question No 1190)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to the relocations of Megalo Access Arts Centre:

- (1) What is the status of this project;
- (2) What works are planned with the outstanding authorization of \$226 000 for this project;
- (3) This project was scheduled for completion in September 2003 was this completion date met. If not, why not.

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

- (1) The project is completed.
  - (2) The budget has been fully expended.
  - (3) The Minister for Arts and Heritage Mr Bill Wood MLA formally opened the new premises on 5 November 2003.
- 

**Manuka Arts Centre  
(Question No 1191)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice

In relation to Manuka Arts Centre:

- (1) What is the status of this project;
- (2) Is the government still committed to this project;
- (3) What works are planned with the outstanding authorisation of \$226 000 for this project;
- (4) What works have taken place with the \$24,000 already expended;
- (5) This project is scheduled for completion (as printed in the September 2003 quarterly capital works progress report) in February 2004 will this completion date be met;
- (6) If no to (5) why not and what is the new completion date.

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

- (1) The project is at preliminary design.
- (2) Yes. The Government is committed to the project.

- (3) The funds will be used for the fitout of Manuka Arts Centre for the relocation of ArtSound.
  - (4) The expenditure of funds on this project has been for preliminary design work.
  - (5) Stage One and Stage Two are now proceeding together with an overall expected completion date of December 2004.
  - (6) As above.
- 

**Gorman House  
(Question No 1192)**

**Mr Stefaniak** asked the Minister Arts and Heritage, upon notice:

In relation to upgrades and renewals at Gorman House:

- (1) What is the status of this project;
- (2) Is the government still committed to this project;
- (3) What works are planned with the outstanding authorisation of \$110,000 for this project;
- (4) What works have taken place with the \$50 000 already expended;
- (5) This project was meant to be completed in September was this completion date met, if not, why not.

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

- (1) The project is complete.
  - (2) Not Applicable.
  - (3) All works have been completed and funds expended.
  - (4) The completed project includes:
    - new theatre seating in Choreographic Centre;
    - new paving under walkways;
    - new theatre seats at Canberra Youth Theatre;
    - upgrade to the theatre space at Choreographic Centre;
    - improvements to the café space; and
    - a range of other important minor work.
  - (5) The works were substantially completed by September 2003.
- 

**Glassworks project  
(Question No 1193)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

12 February 2004

In relation to the final stage of the Glassworks Project:

- (1) What is the status of this project;
- (2) Is the government still committed to this project;
- (3) What works are planned with the outstanding authorisation of \$2.747 million allocated for this project;
- (4) Are works running to schedule to complete this project in June 2005 as listed in the September 2003 quarterly capital works project;
- (5) What is the cause of the continuing delay with this project.

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

- (1) The Government will consider the Business Case for a Glass Centre in the Kingston Powerhouse in early 2004.
  - (2) The decision on proceeding with a Glass Centre in the Powerhouse will be made in the context of the 2004-05 Budget process.
  - (3) Works will be planned to expend the outstanding authorisation allocated for this project once the Government's decision is known.
  - (4) The date of practical completion of a Glass Centre in the Powerhouse is estimated to be December 2005, pending Government approval.
  - (5) A project of this significance and potential for benefit to the community requires considerable research and careful consideration. Substantial progress has been made to date and planning continues pending the Government's decision in early 2004.
- 

### **City Walk sculpture (Question No 1194)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to Art and Soul – City Walk Sculpture:

- (1) What is the status of this project;
- (2) Is the government still committed to this project;
- (3) What works are planned with the outstanding authorisation of \$74 000 for this project;
- (4) What works have taken place with the \$11 000 already expended;
- (5) This project is scheduled for completion (as printed in the September 2003 quarterly capital works progress report) this month, will this completion date be met;
- (6) If no to (5) why not and what is the new completion date.

**Mr Stanhope:** The answers to the member's questions are as follows:

- (1) The Art and Soul – City Walk Sculpture, titled *LaserWrap*, to be located on the ACT Health Building at the western end of Alinga St, Canberra City, is currently being fabricated.
- (2) The Government is committed to this project.
- (3) & (4) As at December 2003, \$65 000 has been expended to fund: commission advertising, shortlisted artists' concept designs, selected artist's final design, and the development application (\$12 000), and fabrication of the artwork (\$53 000).

The outstanding \$20 000 will include a payment to the artist of \$15 150 on practical completion and installation of the artwork; and a payment of \$3 850 to the artist at the expiry of a six month defects period.

- (5) No.
- (6) Due to its location, the artwork must meet national planning and heritage requirements, as well as ACT planning and heritage requirements. This has required considerable consultation and an unusually lengthy approvals process. Development approval for the artwork was received in early December 2003. The artists are now proceeding with fabrication and installation of the artwork, in anticipation of a March 2004 launch.

---

**Chisholm oval  
(Question No 1195)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to Chisholm oval upgrade:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) In the September quarter \$200,000 had been spent on this project. What was delivered for that \$200,000 worth of expenditure;
- (3) What works remain with the outstanding authorisation of \$210,000;
- (4) Will this project be completed this month as scheduled. If not, why not and when will it be completed.

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

- (1) The project provides for the upgrading of the No 1 oval primarily for local senior grade cricket and to host other minor representative fixtures. It includes a new turf wicket, replacement of synthetic practice nets, establishment of turf practice nets, a new picket fence around the oval boundary, restoration and improvement of a section of the outfield, and minor site improvements to tree planting, lighting and access.



12 February 2004

It complements the construction of a new pavilion being constructed adjacent to the oval by the Tuggeranong Valley Cricket Club.

- (2) Works in the September quarter were primarily the construction of the new practice nets and the picket fence around the oval boundary.
- (3) Works are 90% complete as of December 2003. Works remaining to take place are final completion of outfield restoration, upgrading and completion of site works (lighting, tree planting, paving and drainage) adjacent to the new pavilion and oval boundary fence.
- (4) All works would have met the scheduled completion date except that a problem arose through contamination of wicket soil in the new turf wicket. Remedial work on this aspect will commence in early January 2004. A revised completion and handover date has been programmed for 1 March 2004.

---

### **Canberra Theatre Centre (Question No 1196)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to Canberra Theatre Centre minor new works:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) At the end of the first quarter \$0 had been spent on this \$195 000 project. Is this project still running according to schedule given that the completion date listed is April 2004;
- (3) If yes to (2) have works commenced and if so on what date did they commence and what amount of funds have been spent to date. If no to (2) why not, what is the new completion date, what has been the delay with the project and what amount of funds have been spent to date.

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

- (1) Works listed in the 2003/2004 budget scheduled to take place are:
  - (a) replacement of blue/white backstage lighting system in The Playhouse, \$30,000
  - (b) replacement of Theatre lighting control board, \$70,000
  - (c) a study into the requirements for improved Disabled Access to Administration and Theatre stage door, \$50,000
  - (d) replacement of the Theatre stage management console, \$45,000.

Total: Canberra Theatre Centre Minor New Works: \$195,000

- (2) Yes, the projects are still running to schedule and have been programmed to fit around the operational timetable of the Canberra Theatre Centre.
- (3) (a) Blue/white backstage lighting system is complete and the amount of \$30,000 has recently been requested to be drawn down from the capital works appropriation.

- (b) Procurement Solutions were engaged by the Canberra Theatre Centre/Cultural Facilities Corporation to provide procurement advice on the procurement of the Canberra Theatre lighting control board. A single select tender process was approved by the Chief Executive Officer, Cultural Facilities Corporation on 10 December 2003, and following approval of the procurement plan, an order was placed for the new Theatre lighting board on 24 December 2003 (\$70,000).
  - (c) Procurement Solutions have been engaged to arrange the study into the requirements for improved Disabled Access to Administration and Theatre stage door. Use of a Select Tender process was approved on 1 December 2003 by the Chief Executive Officer, Cultural Facilities Corporation and a Tender Brief is currently being prepared. It is planned to seek tenders from three specialist consultants in this field in January 2004. The study is planned to be completed by the end of 2003/2004.
  - (d) This project is not able to be completed whilst the Canberra Theatre is in operation. A preliminary expenditure of \$5,000 has been undertaken, and orders have been placed for technical components and structural cabinets (\$4,200) for installation in January 2004. The work will be completed during Theatre repair and maintenance periods.
- 

**Belconnen Arts Centre  
(Question No 1197)**

**Mr Stefaniak** asked the Minister for Arts and Heritage, upon notice:

In relation to Belconnen Arts Centre feasibility:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) At the end of the first quarter \$0 had been spent on this \$60 000 project. Is this project still running according to schedule given that the completion date listed is February 2004;
- (3) If yes to (2) have works commenced and if so on what date did they commence and what amount of funds have been spent to date. If no to (2) why not, what is the new completion date, what has been the delay with the project and what amount of funds have been spent to date.

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

- (1) \$60,000 was allocated to undertake a Belconnen Arts and Cultural Facilities Study.

The Study will identify current and emerging community needs for arts and cultural facilities in Belconnen, and assess these needs against the nature and utilisation of existing arts and cultural facilities and services.

The Study will then provide options and make recommendations to meet current and anticipated future needs which might include facilities, services or programs.

- (2) The project will be completed in early April 2004.

- (3) The consultants commenced work on 1 November 2004. Expenditure to date is \$13,744.
- 

**Computer training  
(Question No 1198)**

**Mr Stefaniak** asked the Chief Minister, upon notice, on 11 December 2003:

In relation to ACT's Personal Computer (PC) user group:

- (1) What measures have been taken, and what measures are planned to ensure the ready availability of information about Information, Communications, Technology (ICT) training facilities available for hire in the ACT;
- (2) In this regard, is the Minister aware of the ICT training room within Belconnen Town Centre managed by the ACT's PC Users Group. Is such a community facility of great value to the public, private and community sectors;
- (3) Have appropriately-located, volunteered-run, high quality facilities an important role in the Territory's move to enhanced ICT competence;
- (4) What other facilities of similar character are available for hire in the ACT's other Town centres;
- (5) Is there potential for these facilities to be used by the ACT Government and Public Service in upgrading the ICT competency of staff;
- (6) If so, what steps have been taken to bring the existence of these facilities to the notice of the departments and agencies;

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

- (1) The ACT Government's Communities Online Project provides a mechanism through which online information from ACT community groups and organisations can be accessed and promoted through one site.

The Communities Online Program encourages local community groups and organisations to establish and maintain their own web sites and/or utilise a comprehensive entry point for online information. This entry point <http://www.actco.org.au> includes information about services offered, up coming events and activities.

The site enables people, communities and organisations such as the ACT's Personal Computer (PC) User Group and other Information, Communications, Technology (ICT) groups to promote their activities, events and facilities.

Similarly, the Community Information and Referral Service (CIRSACT) receives funding from the ACT Government to provide both website and hardcopy listings of community resources <http://www.cirsact.org.au/>.

- (2) Yes. I am not prepared to offer an opinion on the value of such a facility in accordance with Standing Order 117(c)(i) which states “question shall not ask ministers for an expression of opinion”.
  - (3) I am not prepared to offer an opinion in accordance with Standing Order 117(c)(i) which states “question shall not ask ministers for an expression of opinion”.
  - (4) The CIT, ANU, various ACT schools and a number of community groups funded under the digital divide program offer facilities for hire across the ACT. In addition all ACT Government Public libraries have free services available.
  - (5) There may be potential, depending on learning and development solutions adopted by Agencies.
  - (6) No steps have been taken as yet, however the availability of these facilities will be brought to the attention of Human Resource areas through the ACTPS Human Resources Centre.
- 

### **Electricity and gas rebates (Question No 1199)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to the response to Question on notice No 880 regarding the ACT Government Concessions Program:

- (1) What concessions/rebates are included in this program and who is eligible for each of these rebates;
- (2) What has been the annual cost to the ACT government in each of the past three years for the provision of each of these rebates;
- (3) In relation to the electricity rebate included within this program, how many pensioner households in the ACT have been given such a rebate.

**Mr Wood:** The answer to the member’s question is as follows:

- (1) The ACT Concessions Program includes concessions for electricity, water and sewerage, general rates, public transport, motor vehicle registration, drivers’ licences and spectacles.

Holders of a Centrelink Pensioner Concession Card or a Veterans’ Affairs Pensioner Concession Card are eligible for concessions on electricity, water and sewerage, general rates, motor vehicle registration, public transport, drivers’ licences and spectacles.

Holders of a Department of Veterans’ Affairs Gold Card are eligible for concessions on electricity, water and sewerage, general rates, motor vehicle registration, public transport and drivers’ licences.

12 February 2004

Holders of a Health Care Card are eligible for concessions on electricity, water and sewerage and public transport. Holders of a Health Care Card (unemployed) are eligible for concessions on drivers' licences. Holders of a Health Care Card (to which the applicant has been entitled for a continuous period in excess of three months) are eligible for concessions on spectacles.

Holders of an ACT Seniors Card are eligible for a partial rebate on motor vehicle registration, discounted off peak travel and a \$35 rebate under the Seniors Spectacles Scheme.

ACT Students who hold, or whose parents/guardians hold a Centrelink Pensioner Concession Card, Health Care Card or Veterans' Affairs Pensioner Concession Card are eligible for free school bus passes.

- (2) Expenditure under the ACT Concessions Program over the last three years has been \$19,540,847 in 2000/01, \$20,117,992 in 2001/02 and \$21,294,838 in 2002/03.
- (3) As at 30 June 2003, 24,235 pensioner households in the ACT were provided with an electricity rebate.

---

**Seniors card  
(Question No 1200)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to the ACT Seniors Card:

- (1) How many individuals over 65 years of age are currently entitled to be holders of an ACT Seniors Card;
- (2) How many individuals over 65 years of age are currently ACT Seniors Card holders.

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

The ACT Office for Ageing in the Chief Minister's Department has responsibility for the ACT Seniors Card. I am advised by that Office that:

- (1) The ACT Seniors Card is available to ACT citizens 60 and over. As at June 2003, in the order of 38,000 Canberrans (60 and over) were eligible for the Card.
- (2) As at June 2003, 35,564 (or about 95%) of Canberrans 60 and over were ACT Seniors Card holders.

---

**Water and sewerage rebates  
(Question No 1202)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to water and sewerage rebates for pensioners:

- (1) How many pensioners in the ACT over 65 years of age were entitled to water and sewerage rebates in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (2) How many pensioners in the ACT over 65 years of age claimed rebates for water and sewerage in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (3) What was the total value of those rebates in each of the years at (2) above.

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

- (1) Every pensioner in the ACT over 65 years of age is entitled to water and sewerage rebates. The information on total numbers of pensioners at any time is held by Centrelink and is available for a fee of \$59 per table.
  - (2) This information is not currently collected. The information provided by Actew Corporation lists the total number of recipients of water and sewerage rebates. There is no further breakdown by age, etc. However, the total number of recipients of water and sewerage rebates in those years was: 10,315 in 2000/01, 12,767 in 2001/02 and 8,346 in 2002/03.
  - (3) This information is not currently collected. However, the total value of all water and sewerage rebates provided in those years was: \$3,079,555 in 2000/01, \$3,550,853 in 2001/02 and \$3,924,042 in 2002/03.
- 

### **Gas rebates (Question No 1203)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to gas rebates for pensioners:

- (1) How many pensioners in the ACT over 65 years of age were entitled to gas rebates in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (2) How many pensioners in the ACT over 65 years of age claimed rebates for gas in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (3) What was the total value of those rebates in each of the years at (2) above.

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

The ACT Government does not provide a rebate for gas.

---

**Electricity rebates  
(Question No 1204)**

**Mr Cornwell** asked the Minister for Disability, Housing and Community Services, upon notice:

In relation to electricity rebates for pensioners:

- (1) How many pensioners in the ACT over 65 years of age were entitled to electricity rebates in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (2) How many pensioners in the ACT over 65 years of age claimed rebates for electricity in (a) 2000/01 (b) 2001/02 (c) 2002/03;
- (3) What was the total value of those rebates in each of the years at (2) above.

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

- (1) Every pensioner in the ACT over 65 years of age is entitled to electricity rebates. The information on total numbers of pensioners at any time is held by Centrelink and is available for a fee of \$59 per table.
  - (2) This information is not currently collected. The information provided by ActewAGL details the total number of recipients of electricity rebates by Pensioner Care Card, Health Care Card and Life Support and the total rebates provided for each category. There is no further breakdown by age, etc. However, the total number of recipients of electricity rebates in those years was: 23,751 in 2000/01, 23,960 in 2001/02 and 24,235 in 2002/03.
  - (3) This information is not currently collected. However, the total value of all electricity rebates provided in those years was: \$3,187,279 in 2000/01, \$3,550,853 in 2001/02 and \$3,681,510 in 2002/03.
- 

**Population statistics  
(Question No 1205)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 11 December 2003:

In relation to the ACT population:

1. What is the current population of residents in the ACT who are over 65 years of age;
2. What proportion of the ACT's overall population do they represent;
3. What is the number of persons included in the figure at (1) who are aged pensioners.

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

- 1 These statistics are available in Australian Demographic Statistics, cat 3101.0, from the Australian Bureau of Statistics, a Federal Government agency.

2 This information is also available from the same catalogue.

3 The number of aged pensioners is maintained by Centrelink, a Federal Government agency.

---

**Land tax  
(Question No 1207)**

**Mr Smyth** asked the Treasurer, upon notice, on 11 December 2003:

In relation to the administration of the land tax system in the ACT:

- (1) Is it acceptable for property owners who are subject to land tax to pay their assessment on an annual basis;
- (2) If this practice is acceptable, how many property owners pay their land tax annually;
- (3) Is it possible for the accounting system used to manage the land tax regime to accept, as a normal transaction, payments of land tax that are made on an annual basis; if not, why not;
- (4) If annual payments of land tax can not be accepted as a normal transaction, what action is being taken to remedy this situation;
- (5) If the land tax due on a property has been paid as an annual payment, are quarterly land tax assessment notices still sent to the owner/s of that property;
- (6) Have there been any complaints lodged by property owners about problems experienced with the recording of annual payments of land tax.

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

- (1) Yes. However, as the rates and land tax computer system is a debit based system and land tax charges are raised quarterly in accordance with the legislation, the rates charges also have to be paid in full for the excess land tax payment to remain against future quarterly land tax assessments.
  - (2) This information is not known. The payment decisions are made by property owners, depending on their financial circumstance.
  - (3) Yes.
  - (4) N/A.
  - (5) Yes. This reason is defined in Section 22C of the *Rates and Land Tax Act 1926*.
  - (6) Yes. The ACT Revenue Office is only aware of having received a written complaint from one property owner.
-



**Capital works program  
(Question No 1208)**

**Mr Smyth** asked the Treasurer, upon notice:

In relation to the capital works program that is undertaken each year by the ACT Government, for each of the years 1999-00, 2000-01, 2002-03, 2003-04:

- (1) What were the original estimates for total expenditure on the capital works program for each year;
- (2) Of these totals, what were the estimates for expenditure on new works and on works in progress;
- (3) If any of these estimates were subsequently revised, what were the revised estimates for each category of expenditure for the relevant years;
- (4) For each of the completed financial years, what was the actual amount spent on capital works;
- (5) Of this total spending on capital works, how much was spent on new works and how much was spent on works in progress;
- (6) What was the total amount of funds that were available for spending on capital works for each year;
- (7) Of these funds, how much was provided as new funds for each year and how much was available for works in progress;
- (8) If any of these estimates of funding were subsequently revised, what were the revised estimates of funding that was available for each category of funding for the relevant years.

**Mr Stanhope** (Acting Treasurer): The answer to the member's question is as follows:

- (1) See Attachment A – Table 1
- (2) See Attachment A – Table 1
- (3) See Attachment A – Table 2
- (4) See Attachment A – Table 3
- (5) See Attachment A – Table 3
- (6) See Attachment A – Table 2
- (7) See Attachment A – Table 2
- (8) See Attachment A – Table 4

Table 1

<b>Original Estimate (as per Budget Papers)</b>	<b>1999-2000 Budget \$'000</b>	<b>2000-01 Budget \$'000</b>	<b>2001-02 Budget \$'000</b>	<b>2002-03 Budget \$'000</b>	<b>2003-04 Budget \$'000</b>
New Works <sup>(2)</sup>	63,785	48,800	89,238	53,581	58,457
Works-In-Progress <sup>(2)</sup>	42,072	48,725	67,401	87,818	93,671
<b>Total<sup>(1)</sup></b>	<b>105,857</b>	<b>97,525</b>	<b>156,639</b>	<b>141,399</b>	<b>152,128</b>

Table 2

<b>Revised Estimate * (Includes prior year underspends)</b>	<b>1999-2000 Revised Estimate \$'000</b>	<b>2000-01 Revised Estimate \$'000</b>	<b>2001-02 Revised Estimate \$'000</b>	<b>2002-03 Revised Estimate \$'000</b>	<b>2003-04 Revised Estimate \$'000</b>
New Works <sup>(3, 7)</sup>	63,785	48,800	89,238	53,581	58,457
Works-In-Progress <sup>(2)</sup>	42,072	48,725	67,401	87,818	93,671
Prior year underspends	2,989	9,903	8,856	11,627	20,022
Works-In-Progress <sup>(3, 7)</sup>	45,061	58,628	76,257	99,445	113,693
<b>Total<sup>(6)</sup></b>	<b>108,846</b>	<b>107,428</b>	<b>165,495</b>	<b>153,026</b>	<b>172,150</b>

\* Capital works estimates are revised in around August each year to update for previous years' underspends and variations, based on the June quarterly report.

Table 3

<b>Actual Expenditure (Based on June quarterly report)</b>	<b>1999-2000 Actual \$'000</b>	<b>2000-01 Actual \$'000</b>	<b>2001-02 Actual \$'000</b>	<b>2002-03 Actual \$'000</b>	<b>2003-04 Actual \$'000</b>
New Works <sup>(5)</sup>	55,902	54,103	65,994	33,528	n/a
Works-In-Progress <sup>(5)</sup>	20,134	35,196	44,970	63,348	n/a
<b>Total<sup>(4)</sup></b>	<b>76,036</b>	<b>89,299</b>	<b>110,964</b>	<b>96,876</b>	<b>n/a</b>

Table 4

<b>Estimated outcome*(8) (Based on current year deferrals at budget time)</b>	<b>1999-2000 Estimated Outcome \$'000</b>	<b>2000-01 Estimated Outcome \$'000</b>	<b>2001-02 Estimated Outcome \$'000</b>	<b>2002-03 Estimated Outcome \$'000</b>	<b>2003-04 Estimated Outcome \$'000</b>
New Works	57,997	58,790	71,267	43,855	n/a
Works-In-Progress	20,890	39,296	51,625	73,574	n/a
<b>Total</b>	<b>78,887</b>	<b>98,086</b>	<b>122,892</b>	<b>117,429</b>	<b>n/a</b>

\* Estimates for the current years capital works are revised for the estimated outcome, as part of the budget process for the forthcoming budget. For example, in Table 4 above, the estimated outcome for 2002-03 was revised as a part of the 2003-04 Budget (see 2003-04 BP3 page 210).

## Energy savings initiative (Question No 1217)

Mrs Dunne asked the Minister for Urban Services, upon notice:

In relation to energy savings initiatives:

- (1) What works are scheduled to take place as part of this project listed as capital work in the 2003-04 budget;

12 February 2004

- (2) At the end of the first quarter \$8 000 had been spent on this project. What works took place as part of that \$8 000 expenditure and where; and
- (3) What works remain to be completed with the \$192, 000 outstanding authorisation.

**Mr Stanhope:** The answers to the member's questions are as follows:

- (1) Health Building in Moore Street, Civic - hot water system upgrade;  
Health Building in Moore Street, Civic - retrofit lights;  
North Building, Civic - upgrade 'Building Management System'; and  
North Building, Civic – installing variable speed drives in the air-conditioning system.
  - (2) First quarter expenditure consists of on-costs such as contractor site inspections, finalised work specifications, and preparation of tenders.
  - (3) The North Building 'Building Management System' upgrade is now 98% complete and will be finalised by the end of January 2004. The Moore Street hot water system upgrade and retrofitting of lights and the North Building variable speed drives installation work will be completed by June 2004.
- 

**Lake Ginninderra  
(Question No 1218)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice:

In relation to Lake Ginninderra Dam Protection Measures:

- (1) What works are scheduled to take place as part of this project listed as capital works in the 2003-04 budget;
- (2) At the end of the first quarter \$20 000 had been spent on this project. What works took place as part of that \$20 000 expenditure;
- (3) What works remain to be completed with the \$980 000 outstanding authorisation.

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

- (1) The works include a major secondary spillway on the western side of the existing dam wall to provide protection against a extreme flood event. A meter high concrete wall will be constructed along the road median in Gininderra Drive on top of the existing dam wall and a levee bank on the eastern side of Coulter Drive
  - (2) Expenditure to date relates to design work.
  - (3) In accordance with the 2003-04 Budget Paper No 4 half the expenditure is planned for the last quarter of 2003-04 and the second half of the expenditure is expected in the first quarter of 2004-05.
-

**Bushfires—budget initiatives  
(Question No 1219)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice:

In relation to the following 2003-04 bushfire budget initiatives how much of the allocated funding for 2002-03 and 2003-04 has been spent and what works have taken place (if any) and where (if applicable):

- (1) Removal of pines and casuarinas;
- (2) Fire Fuel Management – Accelerated Works;
- (3) Re-greening fire affected areas;
- (4) Replacement of gutters, footpaths and associated works;
- (5) Rural road verges and fire fuel management plan;
- (6) Bushfire Recovery Program – ACT Heritage Places;
- (7) Increase bushfire fuel management planning resources;
- (8) Spatial data acquisition – interpretation of recovery plans;
- (9) Fire suppression trails and walking tracks;
- (10) Completion of recreation recovery strategy;
- (11) Rural assistance recovery program;
- (12) Community engagement in restoration of Murrumbidgee;
- (13) Landslip rectification.

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

**(1) Removal of pines and casuarinas:**

**Removal of Pines and Casuarinas funding:**

2002-03 - \$210,000

2003-04 - \$600,000

*2002-03 - Removal of Pines and Casuarinas (\$210,000)*

\$210,000 was fully expended during 2002-03 to remove virtually all fire affected pine trees, including stumps, in urban managed public land within the fire affected areas of Weston, Duffy, Holder and Curtin.

*2003-04 - Removal of Pines and Casuarinas (\$600,000)*

\$281,000 had been spent until 30 November 2003, focusing on removal work in areas along the Murrumbidgee River Corridor, Pine Island, Bullen Range, Kambah Pool, Tidbinbilla Nature Reserve, and roads on rural leases.

Unburnt pine plantations across Canberra have also been assessed for fire fuel reduction activities to:

- \* remove closely spaced trees from dense stands of pine trees;
- \* removal of weak or potentially hazardous trees;
- \* removal of trees that are close to or interfering with overhead powerlines;
- \* removal of dead trees;
- \* pruning of low branches;
- \* removal of fallen material including dead trees and branches; and
- \* removal of woody weeds and other flammable material from the ground.

Works have been progressing in these plantations through the Belconnen region in Macgregor, Holt, Latham, Evatt, Giralang, Kaleen and Macquarie, and in Deakin, Yarralumla and Curtin. Works will continue onto Phillip, Mawson, Isaacs, and Fyshwick.

## **(2) Fire Fuel Management – Accelerated Works:**

### **Fire Fuel Management – Accelerated Works funding:**

2002-03 - \$250,000

2003-04 - \$500,000

#### *2002-03 - Fire Fuel Management – Accelerated Works (\$250,000)*

\$136,000 was expended in 2002-03. First-pass reduction works were carried out in Aranda suburb surrounds and spine area, Fadden, Fyshwick and Giralang Pines, Umbagog Park, Latham and Goodwin Hill Macgregor.

The \$114,000 carry-over has been fully expended in 2003-04 undertaking hand removal of vegetation including woody weeds that present problems with access and powerlines and hand removal of extensive areas of regrowth vegetation in Latham (Umbagog Park) and Macgregor (Mount Goodwin).

#### *2003-04 - Fire Fuel Management – Accelerated Works (\$500,000)*

\$421,000 had been spent until 30 November 2003.

Fire fuel reduction works have been completed in Macgregor, Isaacs, Fadden Pines, Farrer, Campbell, on Oakey Hill and Black Mountain. These works included physical removal and in some cases chipping of woody weeds, fallen limbs, dead trees and shrubs, acacia and eucalypt regrowth, pine wildings and other vegetation that presents problems with access.

Further fuel reduction works are continuing along major urban roads, Red Hill, Isaacs Ridge, Farrer Ridge and Wanniasa Hills. These include physical removing of and preparation of areas along the urban roads for slashing.

## **(3) Re-greening fire affected areas:**

### **Re-greening fire affected areas funding:**

2002-03 - \$659,000

2003-04 - \$2.6m

#### *2002-03 - Re-greening fire affected areas (\$659,000)*

\$659,000 was fully expended during 2002-03

Works were carried out regrassing urban areas in fire affected suburbs, concentrating on Duffy, Chapman and Kambah.

#### *2003-04 - Re-greening of fire affected road verges and urban open spaces (\$2.6m)*

\$551,000 had been spent till 30 November 2003.

Contracts for a further \$1.532m of work will be completed over summer and autumn. These works will replace fire damaged trees and re-landscaping of urban areas in fire affected suburbs. Replanting will occur in neighbourhood parks, pedestrian spaces, main road verges, suburb entry plantings and street trees in Weston Creek, Woden and Tuggeranong.

The Spring/Summer program is replanting priority areas at the Duffy shops, the Duffy side of Hindmarsh Drive, both sides of Sulwood Drive near the Tuggeranong Parkway, the entrance to Mt Taylor Estate, Streeton Drive between Hilder Street and Cotter Road. Autumn 2004 planting will achieve planting to the Cotter Road median, Eucumbene Drive, Warragamba Avenue and Dixon Drive.

**(4) Replacement of gutters, footpaths and associated works:**

*2003-04 - Replacement of gutters, footpaths and associated works (\$100,000)*

Zero has been spent till 30 November 2003.

This work will generally be undertaken after houses are reconstructed in fire affected suburbs to minimise damage by building activities. The Department will perform some ad hoc gutters and paths repairs during 2003-04.

**(5) Rural road verges and fire fuel management plan:**

*2003-04 - Rural road verges and fire fuel management plan (\$150,000)*

\$75,000 has been spent until 30 November 2003.

Fuel hazard reduction works have been planned and are in the process of being implemented along rural road verges in areas such as Cotter Road, Paddy Rivers Road, Coppins Crossing Road and Tharwa Dr.

**(6) Bushfire Recovery Program – ACT Heritage Places:**

**Bushfire Recovery Program – ACT Heritage Places:**

2002-03 - \$100,000

2003-04 - \$200,000

*2002-03 - Bushfire Recovery Program – ACT Heritage Places (\$100,000)*

\$100,000 was fully expended during 2002-03

The works were carried out on containment line surveys in Namadgi Nature Park, Gudgenby, Tidbinbilla Nature Reserve, Gungahlin, Hall, Williamsdale, and Belconnen. Surveys were also undertaken of southern Namadgi; historic places within the ACT Forests such as Block 60, Rock Valley and Nil Desperandum and on additional historic places including surveys of historic brumby yards and border markers within Namadgi National Park. Lichen research was also undertaken at Rendezvous Creek.

*2003-04 - Bushfire Recovery Program – ACT Heritage Places (\$200,000)*

\$45,000 has been spent until 30 November 2003.

The works carried out include:

- Heritage assessments of Nil Desperandum, Rock Valley, Blue Range and Laurel Camp;
- Surveys of ACT Forests sites (including Block 60), Namadgi Nature Park, Tidbinbilla Nature reserve, River corridors, and coordinating the registration of heritage places; and
- GPS recording of significant heritage sites

**(7) Increase bushfire fuel management planning resources:**

*2002-03 - Increase bushfire fuel management planning resources (\$80,000)*

\$19,000 has been spent until 30 November 2003.

An additional fire planning officer has commenced a 12-month contract to carry out bushfire fuel management planning for Environment ACT.

**(8) Spatial data acquisition – interpretation of recovery plans:**

*2002-03 - Increase bushfire fuel management planning resources (\$130,000)*

\$3,000 has been spent until 30 November 2003.

Initial hardware and software have been purchased and installed with initial training of staff undertaken.

**(9) Fire suppression trails and walking tracks:**

**Fire suppression trails and walking tracks:**

2002-03 - \$100,000

2003-04 - \$700,000

*2002-03 - Fire suppression trails and walking tracks (\$100,000)*

\$100,000 was fully expended during 2002-03

Work commenced in March 2003 and has continued into 2003-04, with 95% of trails in Namadgi now complete, further works are taking place in the Canberra Nature Parks.

*2003-04 - Fire suppression trails and walking tracks (\$700,000)*

\$498,000 has been spent till 30 November 2003.

Areas where works are taking place include: Turkey Hill, Birrigai Time Trail, Church Rock Loop, Hanging Rock, and the Wetlands in the Tidbinbilla Nature Reserve, various trails in Namadgi National Park and the Murrumbidgee River Corridor and in Canberra Nature Park areas such as Mount Taylor, Cooleman Ridge, Urambi Hills, and Oakey Hill.

**(10) Completion of recreation recovery strategy;**

*2003-04 - Completion of recreation recovery strategy (\$100,000)*

Zero has been spent by 30 November 2003.

The five-year Recreation Strategy is in draft form seeking stakeholder endorsement and the development of the implementation plan. The final strategy is expected to be released in February. It has been developed to reflect the recommendations of the “Shaping Our Territory” report and to be consistent with existing plans of management.

Tenders have been sent out for concept designs for most of the recreation areas within the Murrumbidgee Corridor, and selected sites within Namadgi National Park, with expected completion by March 2004.

**(11) Rural assistance recovery program;**

**Rural assistance recovery program:**

2002-03 - \$170,000

2003-04 - \$150,000

*2002-03 - Rural assistance recovery program (\$170,000)*

\$170,000 was fully expended during 2002-03

29 Fire affected rural lessees claimed freight subsidies for transport of stock to sale, water and fodder post the January fire. 22 lessees were assisted with soil conservation work including provision of revegetation seed mix, pasture seed mix and some earth works. 20 fire affected rural lessees were given chemicals to enhance their post fire weed control program.

*2003-04 - Rural assistance recovery program (\$150,000)*

\$50,000 has been spent until 30 November 2003.

Funding in 2003-04 is to support Greening Australia to deliver a rural areas project and will be fully expended by 30 June 2004. Works consist of assisting fire affected rural lessees with strategic conservation fencing, direct seeding and tree planting. The rural areas who have already received assistance include: Naas River, Brookvale, Uriarra Station – Tarpaulin Creek, Huntly, Riverview, Magpie Park, Pegasus, Winslade, Fairvale, Lyons Youth Haven, Freshford, Gibraltar View, Tidbinbilla Estate Wines, Booromba Station and Spring Station Creek.

**(12) Community engagement in restoration of Murrumbidgee;**

**Community engagement in restoration of Murrumbidgee:**

2002-03 - \$100,000

2003-04 - \$200,000

*2002-03 - Community engagement in restoration of Murrumbidgee (\$100,000)*

\$100,000 was fully expended during 2002-03

The works were carried out included purchasing tools and equipment, establishing project management arrangements, developing ongoing links with volunteer organisations and individuals, undertaking revegetation walking track fencing, minor construction works in recreation areas.

*2003-04 - Community engagement in restoration of Murrumbidgee (\$200,000)*

\$60,000 has been spent until 30 November 2003.

Staff responsible for coordination have been engaged which has coincided with the release of the outcomes from the non-urban land use study. Expected that program will be complete by June 2005.

Works undertaken in 2003/04 and continuing into 2004/05 include construction of walking tracks around Kambah Pool, Uriarra Crossing, and Pine Island, fencing within recreation areas, revegetation and fencing within reserves, woody weed control and mapping, minor construction within recreation areas, creating asset inventory for MRC recreation areas, surveying of native grasses.

**(13) Landslip rectification.**

**Landslip rectification:**

2002-03 - \$300,000

2003-04 - \$200,000

2003-04 - \$900,000 (2nd appropriation)

In February /March 2003 very heavy rain caused major soil movements on the roads listed below. The 2002/03 and 2003/04 funds are being used to rectify these problems.

- Corin Road – close to completion
- Apollo Road – expected to be complete by end January 2004
- Paddy River Road – expected to be completed by end February 2004.

*2002-03 - Landslip rectification (\$300,000)*

\$141,000 spent in 2002-03



12 February 2004

Balance \$159,000 spent in 2003-04

Works undertaken included investigation by Geotechnical Engineers and work program development. In addition temporary traffic measures have also been in place.

2003-04 - Landslip rectification (\$200,000 + \$900,000)

\$129,000 already spent until 30 November 2003.

Damage contained and roads are reopened to traffic with safety measures in place.

---

### **Bushfires—free plant schemes (Question No 1220)**

**Mrs Dunne** asked the Chief Minister, upon notice:

How many bushfire victims have taken up the offer to utilise the free plant scheme and at what cost.

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

Fire Issue Registrations: (April 2003 – Dec 2003)	648
Cost:	\$71,280 (including GST)

---

### **Drug offences (Question No 1221)**

**Ms Dundas** asked the Minister for Police and Emergency Services, upon notice, on 11 December 2003:

In relation to drugs.

For each of the last five years:

- (1) Have figures been kept on the number of people who the police find in possession of drugs but who are not charged, and if so, how many such people are not charged each year;
- (2) How many people who the police find with drugs in their possession are referred for treatment through the ACT Early Intervention and Diversion Program, and how many are instead charged with a drug related offence;
- (3) Is the effectiveness of the Early Intervention and Diversion Program being monitored to assess its effect on recidivism;
- (4) How many times have ACT Magistrates referred people convicted of drug-related offences to the Court Alcohol and Drug Assessment Service at the pre-sentencing stage, and how many have not been referred;
- (5) Is the effectiveness of the Court Alcohol and Drug Assessment Service referral process being monitored to assess its effect on recidivism;

- (6) How many sentences for drug related offences have included drug treatment, and how many sentences have not included a requirement to attend treatment.

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

- (1) The police have a range of options available to them when initiating proceedings in response to drug offences. It is important to note that charges will not generally be laid for offences concerning self-administration of illicit substances in line with the Government's harm minimization programs. Other offences may result in resolution by arrest and summons or through cautions or diversionary conferencing. Table 1 presents a break down of the disposition of drug related offences.

Date created	How cleared							Total
	Arrest	Caution	Charged before court	Diversionary Conference	SCON	Summons	Voluntary Attendance at Court	
1999	209	21	43	0	93	75	27	468
2000	241	16	57	3	91	117	18	543
2001	208	23	40	0	137	108	7	523
2002	178	14	30	0	78	118	1	419
01 January to 30 November 2003	191	17	31	4	81	109	1	434

**Source: PROMIS apprehensions module as at 15 December 2003**

- (2) The Police Illicit Drug Diversion program is a partnership between the Australian Federal Police and ACT Health Alcohol and Drug Program. This is a pre-court diversion strategy and has been operational since December 2001. To be eligible for this program, offenders must have committed the offence of possession of a small amount (up to 25% of the trafficable quantity) of an illicit drug (or illicit possession of a pharmaceutical drug) for personal use. As at 31 December 2003, 32 offenders had been referred to drug treatment programs through the Illicit Drug Diversion Program.

In order to be eligible for diversion the offender must also:

- consent to the diversion;
- admit to the offence;
- there must have been no violence involved in the incident; and
- the offender must not have been diverted on more than two occasions previously.

- (3) Yes.

- (4) The Court Alcohol and Drug Assessment Service (CADAS) is a program of the Alcohol and Drug Program, Community Health, ACT Health. Since its inception in October 2000, CADAS clinicians have conducted alcohol and other drug assessments to ascertain appropriate treatment for approximately 800 people.

From October 2000-July 01, there were 140 new assessments.

In the financial year 2001-02, there were 160 new assessments.

12 February 2004

In the financial year 2002-03, there were 362 new assessments (55 of these through the Children's Court).

In the current financial year (approximately six months), there have been 130 new assessments (24 of these through the Children's Court).

The majority of people assessed for alcohol and other drug treatment by CADAS are released on bail to comply with the CADAS treatment plan. CADAS clinicians monitor the offenders' attendance at, and compliance with, the treatment plan, and report all outcomes to the Court. At any one time, CADAS clinicians may have a current caseload of around 150 clients.

- (5) The CADAS program was evaluated in June 2003 by Morgan Disney and Associates. The evaluation report is available from the Alcohol and Drug Program, Community Health, ACT Health. The findings of the evaluation include the difficulty of accessing Court data relating to recidivism of CADAS clients, as CADAS (ACT Health) and the Courts (Department of Justice and Community Safety (DJACS) maintain separate databases. Also, issues of therapeutic jurisprudence continue to be debated.

However, qualitative data accessed by Morgan Disney and Associates indicates that for some clients there is a reduction in both the frequency of their offending behaviour and in the nature of their offences after their contact with CADAS. Some clients claimed that they had significantly reduced their offending behaviour as a result of their contact with CADAS and subsequent engagement in treatment.

- (6) See answers above. Where a defendant voluntarily admits to a drug problem, they are referred to CADAS. The Court does not keep separate statistics on sentences where drugs may have been a factor but consent to enter the CADAS program was not forthcoming and hence a requirement to attend treatment did not form part of the sentence.

---

### **Vocational education and training (Question No 1223)**

**Ms Dundas** asked the Minister for Education, Youth and Family Services, upon notice, on 11 December 2003:

- (1) What arrangements are in place to ensure that public high school students from low income families are able to access the vocational education courses of their choice;
- (2) Does the Department collect statistics on the number of applications for assistance with vocational education costs received by schools, and the number of requests granted and denied;
- (3) What is the minimum, maximum, and average annual charge per student for vocational education courses run in ACT Government schools;

**Ms Gallagher:** The answer to Ms Dundas's question is:

- (1) The availability of vocational education (VET) courses in high schools varies depending upon what individual schools have negotiated with VET providers. Many of the VET courses are for students at risk. Funding is usually provided by schools and the

department for courses offered by schools to ensure that students are not excluded from participating as a result of financial incapacity. Some of the VET courses are funded by industry and other organisations. Department initiated VET programs in high schools include the Certificate 1 in Information Technology for which there are no costs for students who participate.

- (2) No, the department does not collect statistics on the number of applications for assistance with vocational education costs received by schools. Individual high schools address the needs of their students on a case-by-case basis.
  - (3) The minimum cost is no cost. The maximum cost is dependent upon the costs associated with resources used by participants undertaking the course, and the costs charged by any external providers. The current maximum cost for a course for college students is \$70 per semester. The most expensive course currently charged for a high school student is a CIT provided course that is \$300 per student per annum. However, this cost is not passed onto students but is funded by Training and Adult Education and by individual schools.
- 

**Prison  
(Question No 1224)**

**Ms Dundas** asked the Attorney-General, upon notice, on 11 December 2003:

In relation to an ACT prison:

- (1) Has the ACT Government commenced negotiations with the Commonwealth to purchase land for an ACT prison;
- (2) If so, how much money is the Commonwealth asking for the necessary land;
- (3) Are there any known impediments to the successful sale or handover of land for a new ACT prison.

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

- (1) The ACT government has sought the Commonwealth's approval to acquire land in the Majura Valley surplus to the requirements of the Department of Defence. Regrettably, the Commonwealth has not been prepared to approve the sale of this land to the ACT.
  - (2) Because of the Commonwealth's unwillingness to approve an ACT acquisition, negotiations have not extended to a sale price.
  - (3) Yes – see (1) above.
- 

**ACTION buses  
(Question No 1225)**

**Ms Dundas** asked the Minister for Planning, upon notice:

In relation to ACTION bus services:

12 February 2004

- (1) Has ACTION taken possession of the new buses that were budgeted for in the 2003-04 Budget;
- (2) Has the arrival of the new buses been delayed, and if so what is the cause of the delay;
- (3) If we are still waiting of the new buses, what is the expected date that the new buses will commence service?

**Ms Gallagher:** The answer to the Member's questions is as follows:

- (1) ACTION has taken possession of 20 new Irisbus buses. The first of 42 new Scania ultra low-floor, air-conditioned CNG buses will arrive early in 2004.
  - (2) Yes, a delay in the arrival of the Scania buses has occurred. The roll out of these buses was expected to commence prior to Christmas 2003. However, the manufacturer was unable to meet this schedule.
  - (3) 24 new Scania buses will be delivered progressively until the end of September 2004 and a further 18 will be progressively delivered until the end of July 2005.
- 

### **Sportsgrounds—upgrades (Question No 1226)**

**Ms Dundas** asked the Minister for Sport, Racing and Gaming, upon notice:

In relation to sportsgrounds. Can the Minister provide a detailed list of:

- (1) Sportsgrounds that have been upgraded under last budget's sportsground/facilities management program;
- (2) What the spending was for;
- (3) How much each allocation was.

**Mr Wood:** The answer to the member's question, which has been referred to me as it falls within my portfolio, is as follows:

- (1) Sportsgrounds that have been upgraded under last budgets program are: Chapman Oval; Cook Oval; Deakin District Playing Fields; Forestry Oval; Holt ground No.2; Holt ground No.1 and Calwell District Playing Fields.
  - (2) The spending was for: a new canteen and toilet block at Chapman Oval; a new canteen and store room at Cook Oval; a refurbishment of the pavilion at Deakin District Playing Fields; a new pavilion at Forestry Oval; new floodlights at Holt ground No.2; new floodlights at Holt ground No.1 and new floodlights at Calwell District Playing Fields.
  - (3) The allocation for each of the jobs is: Chapman Oval \$155,000; Cook Oval \$116,000; Deakin District Playing Field \$64,000; Forestry Oval \$166,000; Holt ground No.2 \$52,000; Holt ground No.1 \$69,000 and Calwell District Oval \$69,000.
-

**Teachers—numbers of vacancies  
(Question No 1227)**

**Ms Dundas** asked the Minister for Education, Youth and Family Services, upon notice, on 11 December 2003:

- (1) In ACT Government schools, what is the total number of:
  - (a) primary schools teachers;
  - (b) high schools teachers;
  - (c) secondary college teachers.
  
- (2) As of 1 December 2003, what was the total number of vacancies for:
  - (a) primary schools teachers;
  - (b) high schools teachers;
  - (c) secondary college teachers.

**Ms Gallagher:** The answer to Ms Dundas's question is:

- (1) In ACT Government schools, as of the last pay period in November 2003 the number of Full Time Equivalent (FTE) teachers were:
  - (a) 1264 primary school teachers;
  - (b) 802 high school teachers;
  - (c) 509 secondary college teachers.

A further 519 teachers FTE's were employed in combined schools, special schools and education centres. Currently there are 1,271 teachers registered for casual work and, at this time of the year, over 500 would be working.

- (2) As of 1 December 2003, the total number of vacancies was:
  - (a) primary school teachers 1;
  - (b) high school teachers 1;
  - (c) secondary college teachers 0.

---

**Detention centres  
(Question No 1228)**

**Ms Dundas** asked the Attorney-General, upon notice, on 11 December 2003:

In relation to Detention Centres:

- (1) What was the average number of people detained in the Belconnen Remand Centre (BRC) in the year prior to the opening of the Symonston Detention Centre, and in the year following the opening of the Symonston Detention Centre;
  
- (2) What has been the average number of people detained at the Symonston Detention Centre since its opening.

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

12 February 2004

- (1) The average number of people detained in the Belconnen Remand Centre (BRC) in the financial year 2001-2002 prior to the opening of the Symonston Temporary Remand Centre (STRC) was 64.

The average number of people detained in the BRC in the financial year 2002-2003 to the end of November 2003, the year following the opening of the STRC was 43.

- (2) The average number of people detained at the STRC since its opening on 14 November 2002 to the end of November 2003 is 20.

---

### **Students—SCAN results (Question No 1229)**

**Ms Dundas** asked the Minister for Education, Youth and Family Services, upon notice, on 11 December 2003:

How many students with disabilities who received support in 2003, have had their support following implementation of the SCAN tool:

- (1) reduced for the coming year;
- (2) cut entirely for the coming year.

**Ms Gallagher:** The answer to Ms Dundas's question is:

- (1) In 2004 the majority of students will be given the same level of support as in 2003. Initial allocations to mainstream schools in 2004 will not be based purely on SCAN results. The data collection process revealed a small number of students who are receiving more support than is needed, and a small number who require higher levels of support. It has been possible to accommodate these changes without disadvantaging any student by making small adjustments to resource allocations to schools.

The SCAN process is a guide for allocating resources to schools. Additional staffing points allocated to schools on behalf of students with a disability are part of the overall resourcing to the school and are not necessarily tied to the individual student. The SCAN process is a complex and evolving one and will be implemented more fully over time.

- (2) No student has had his or her support cut entirely.

---

### **Water restrictions (Question No 1230)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to water restrictions:

- (1) How many exemptions have been granted since the introduction of water restrictions in the A.C.T. until the end of January 2004?

- (2) Of the total exemptions granted, how many are on going;
- (3) Of the total exemptions granted, how many were for (a) residential and (b) commercial properties.

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

- (1) ACTEW advises that as of 30 January 2004, a total of 9126 exemptions requests have been approved.
  - (2) ACTEW advises that a total of 2436 exemptions are currently active until the end of Stage 3.
  - (3) ACTEW advises that:
    - (a) 8379 are for residential properties; and
    - (b) 747 are for commercial properties.
-