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FOR THE
AUSTRALIAN CAPITAL TERRITORY
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2005

Thursday, 9 December 2004

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

Hansard

MR SPEAKER: Members, I take this opportunity to remind you, particularly new members, of the position adopted by the Assembly in relation to the incorporation of speeches and material in *Hansard*. As members will appreciate, incorporations raise important procedural and Hansard production issues. If leave is granted to incorporate material, it must be provided to Hansard as soon as possible in an electronic format suitable for publication. The incorporated material is not reproduced in the uncorrected proof transcript. It is, however, published at the end of the proof daily *Hansard* and the official weekly *Hansard*.

Unparliamentary language

MR SPEAKER: Yesterday, Mrs Dunne raised a point of order in which she said that Mr Hargreaves had likened Mrs Burke to a banshee. I have reviewed the *Hansard* and ascertained that the words Mr Hargreaves used were, "It is a refreshing change to listening to Mrs Burke's scaremongering, banshee wailing issues." That is a little obscure, I have to say, but your closing remarks clinched it, Mr Hargreaves. I said that they would not help me in my deliberations, but I think they did in the end. You said, "I offer an apology to the banshees." I ask you to withdraw that.

Mr Hargreaves: Mr Speaker, I withdraw that comment. I note from the uncorrected proof *Hansard* that the comment to which you just referred has not been recorded.

MR SPEAKER: Also, I said that I would respond to a point of order that Mr Corbell raised in relation to some comments that Mrs Dunne had made in debate yesterday. Mrs Dunne preceded her comments by saying, "And it brings to the mind of the people of the ACT," and went on to describe her interpretation of what the Chief Minister may or may not have been doing. Mr Corbell raised the point of order on the question of an imputation that the Attorney-General was seeking to impugn the reputation of the coroner.

I have looked at this matter very closely, which is a very serious issue, especially when it comes to members of the judiciary, and I have taken the view that it is a rebuttable debating point and that it was open in the course of the debate to deal with the issue; so I find that there is no substance to the point of order there.

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2004

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.35): I move:

That this bill be agreed to in principle.

The Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2004 will amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to implement changes to the national classification code, harmonise the act with the Criminal Code 2002 and make other technical amendments.

Under the 1995 intergovernmental censorship agreement, the commonwealth, states and territories agreed to the creation of a cooperative scheme for censorship in Australia. The national classification code is established under commonwealth legislation, and classification decisions in relation to particular films are made by the commonwealth Office of Film and Literature Classification. However, the states and territories are responsible for the enforcement of classification decisions in relation to films, computer games and publications.

The underpinning principles of the national classification code are that adults should be able to read, hear and see what they want; minors should be protected from material likely to harm or disturb them; everyone should be protected from exposure to unsolicited material that they find offensive; and community concerns need to be taken into account about depictions that condone or incite violence, particularly sexual violence, and the portrayal of persons in a demeaning manner.

The national classification code sets out the criteria for assessing a film as being at a particular classification level, such as G, PG, MA and 15+. Classification designations let families know what is in a movie, computer game or publication. Classification and consumer advice decisions are based on the classifiable elements in a movie, computer game or publication. Classifiable elements include violence, sex, themes such as suicide, racism and corruption, coarse language, drug use and nudity.

Changes to the national classification code have recently been agreed to by the commonwealth, states and territories. The modified classification system will enhance consumer awareness of the age restriction associated with particular films and computer games by including an age specification as part of particular classification symbols. For example, R will become R 18+. These changes will highlight the distinction between the advisory categories, to which no age specification is attached—for instance, G, PG and M—and the restricted categories of film, X 18+, R 18+ and MA 15+.

Advisory classifications are not restricted to anyone, regardless of age. These classifications are a recommendation only, and parents are encouraged to advise their children whether these movies, computer games and publications are suitable. They also assist adults in making informed choices prior to viewing a particular film or purchasing a publication.

Australian legislation recognises that some movies, games and publications require a mature perspective. The protection of children from exposure to unsuitable and explicit content is an important objective of the Australian classification system. Such material is classified in legally restricted categories.

The changes are a follow-on from the creation of a single set of classification guidelines for both films and computer games in 2003. The highest permissible classification for computer games will remain MA 15+. The amendments to classifications that are made by this bill are complementary to the changes to the national classification code made by the commonwealth earlier this year, following the agreement of censorship ministers. The states and the Northern Territory either have made or are in the process of making these amendments as part of the national cooperative scheme.

A system of transitional measures under the commonwealth act will allow films classified under the old system to continue to be exhibited, which will minimise any inconvenience to businesses involved in the film and computer game industry in complying with the new classification system. Amending the classification act has also given me the opportunity to introduce further technical amendments that will streamline the act with the Criminal Code 2002 and resolve a potential difficulty with evidentiary certificates issued by the commonwealth Office of Film and Literature Classification.

The bill has also been carefully considered in terms of its compatibility with the Human Rights Act 2004. In a small number of provisions in the bill there are some limitations on the rights of the accused in court proceedings so that the right of children to be protected from exposure to violent and sexually explicit material can be guaranteed. The protection of children from exposure to unsuitable and explicit content is an important objective of the Australian classification system.

Of necessity, the application of the Human Rights Act in circumstances such as this does require some value judgment to be made. In this case, a value judgment has been made by the government that these limitations are reasonable and demonstrably justified in a free and democratic society. I draw the attention of members to these provisions and also to the discussion of these issues contained in the explanatory statement. I commend the bill to the Assembly.

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

Crimes Amendment Bill (2004) (No 4)

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and indigenous Affairs) (10.42): I move:

That this bill be agreed to in principle.

Mr Speaker, for any community, cases involving the criminal law and mental impairment pose considerable challenges for justice. There are two facets of criminal law where the distinction between someone being mentally well and being mentally unwell is crucial: firstly, culpability and, secondly, the procedural issue of fitness to plead. The bill I have presented today addresses one of these challenges, namely, the procedural issue of the mental fitness of an accused person to plead in a criminal trial.

In our system, it is crucial that justice should be done and be seen to be done by proving or disproving criminal responsibility of an accused person. Every person has the right to be recognised as a person before the law. Conversely, the law has an obligation to treat everyone equally and impartially. Our system of government designates the judiciary as the institution that applies the law equally, impartially and openly. Australian criminal law requires that the test of criminal responsibility must involve an element of fault based upon a sane mind. Likewise, our law presumes that an accused person is mentally fit to plead to a charge.

If a person's mental health is impaired to the extent that they cannot understand the nature of the charge, enter a plea, instruct their lawyer or engage in a number of other important procedural decisions, then they are not fit to plead. There are two fundamental elements to proving a criminal offence: the physical element of the offence, namely, the result, conduct or circumstances caused by the act; and the fault element of the offence, namely, the intention, knowledge, recklessness or other attribute of the mind.

In a criminal trial the fault element of an offence—whether a person is guilty or not—cannot be thoroughly tested if the accused person is mentally unwell. It is possible that the accused person was mentally fit at the time of the offence and that they subsequently became unfit during the trial. Testing an accused person's fitness to plead is not a test of their mental capacity at the time of the offence; it deals with the person's capacity at the time of the hearing. If an accused's mental fitness is raised in a criminal trial, then that issue needs to be resolved before the substance of the offence itself and the culpability of the person can be tried.

Mr Speaker, this bill improves the quality of the process to test a person's fitness to plead by designating the judiciary as the institution that determines an accused person's mental fitness to plead. At present, our process of testing mental fitness does not occur in open court, and the evidence is not tested according to the standards of the criminal trial.

In the early 1990s most Australian jurisdictions modernised mental health law. These major national reforms created a legal framework for the involuntary treatment of people who are so unwell they lack the capacity to accept or decline medical care. The ACT adopted its own Mental Health (Treatment and Care) Act in 1994. The mental health act established a tribunal to impartially assess people for mental impairment and, if necessary, make orders for their treatment. The tribunal also assesses the mental fitness of people in criminal trials and advises the court of the person's condition.

On the face of it, it may seem that assessing fitness to plead should be a task of the Mental Health Tribunal. However, looking behind the apparent harmony of the two tasks, there is an elemental clash between the therapeutic responsibilities of the tribunal and the criminal justice responsibilities. The Mental Health Tribunal was established for

therapeutic reasons: to make orders to assist and treat people in need when they could not make reasoned decisions for themselves.

The text and form of the mental health act is clearly about the treatment of mentally impaired people and the protection of their rights. The methods used by the Mental Health Tribunal to hear cases are consistent with therapeutic care, yet inconsistent with a criminal trial. At the moment there is a contradiction in our criminal justice process in terms of testing mental health for culpability and testing mental health for fitness to plead. Culpability is tested by a court—by a judge or jury. Fitness to plead is determined by advice to the court from the Mental Health Tribunal. Just as culpability is tested by the court, I believe fitness to plead also should be tested by the court.

Although there are mechanisms to enable the Mental Health Tribunal to hold open hearings, it is rare for the process to be open. Closed proceedings are the right process for people in need of treatment but the wrong process to determine an important procedural matter in a criminal trial, namely, fitness to plead. The evidence presented before the tribunal is not subject to cross-examination by the prosecution, and the tribunal is not bound by the rules of evidence as a court is bound. The mental health act does not require the prosecution or defence to make representations to the tribunal when an accused person's mental fitness is tested. Expert witnesses before the tribunal are not subject to cross-examination; nor can the prosecution or defence call witnesses to testify on the issue of an accused person's fitness to plead.

Without detracting from the need for change, I would like to emphasise that this bill in no way diminishes the important work conducted by the tribunal over the last 10 years. The tribunal has done exactly what the Assembly asked of it, and I commend it for its valuable work.

When I first introduced this bill in the last weeks of the Fifth Assembly, a number of organisations and individuals contacted my office to express some concern about the impact of the bill. The bill lapsed at the conclusion of the Fifth Assembly's business, but since that time the department has consulted with key community organisations. The department has held frank discussions with the Mental Health Consumers Network, the Mental Health Community Coalition, the Mental Health Provider Network and the ACT Council of Social Service. I believe these discussions have helped my department to understand the concerns held by the community. They have also provided an opportunity to explain how the bill will change the current system.

There were some fears that the bill was the government's only response to community concerns about mentally unwell people who come to the attention of the criminal justice system. This bill is an important step in starting to fix the relationship between mental health and criminal justice, but I stress that it is only one of many steps we need to take and will be taking over the coming years, in consultation with all interested parties.

Some members of the community were worried that the bill takes the issue of fitness to plead out of the hands of a tribunal that specialises in mental health and into the realm of the court and hence may place people with a mental health problem at a disadvantage. On this point I say that our courts already have to consider and weigh up evidence of mental health conditions when trying a person who presents a case that they were mentally impaired at the time of the offence.

I also believe that applying the rules of evidence to fitness to plead issues and allowing both the defence and the prosecution a greater scope of core witnesses will be of benefit to all involved. The fact that it takes place in open court enables the whole community to see for itself that the evidence is fairly tested and considered. It is important to note that under the bill the question of fitness to plead is a question of fact that is to be decided on the balance of probabilities, not on the criminal law standard of beyond reasonable doubt.

I agree that over the last 10 years the judiciary may not have had the opportunity to experience or consider all of the issues surrounding fitness to plead matters. However, rather than continuing the fragmentation of criminal justice, we should take a lead and enable the courts to build upon their experience. I believe that most of our community has confidence in the impartiality of our magistrates and judges. The judiciary's impartiality is there for all to see because the trial process is open and the judiciary has demonstrated its strength to judge impartially.

I thank those community organisations which discussed these issues with officers of my department. I thank them for honest and engaging discussion. I also thank the Minister for Health and his department for their counsel and assistance in relation to this issue.

This bill will amend the Crimes Act 1900 to restore the adjudication of an accused person's mental fitness to plead to its rightful place: in court. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2004 (No 2)

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.51): I move:

That this bill be agreed to in principle.

Mr Speaker, the Justice and Community Safety Legislation Amendment Bill 2004 (No 2) is the eleventh bill in a series of bills dealing with legislation within the justice and community safety portfolio. The bill makes a number of minor and technical amendments to portfolio legislation. The amendments are as follows.

Agents Act 2003

This amendment corrects a mistaken reference to the first business day of the month in section 109 of the act. The reference is amended to the 10th business day of the month.

Bail Act 1992

The Bail Amendment Act 2004 amended existing provisions that enabled the Magistrates Court and the Supreme Court to review bail decisions. The intent of the amendments was to prevent successive requests for reconsideration without proper justification, while also providing an avenue for reconsideration of a decision rather than going to appeal. The amendments limited applications for review on the basis of a significant change in circumstances, new evidence or information significant to a bail decision.

The amending bill was edited to ensure that section 43, dealing with the power of the Supreme Court to review decisions, contemplated decisions made by any justice of the court, as opposed to the justice who first reviewed, or made, a decision. These editorial changes should have removed a reference to a singular judge. This bill corrects this error by replacing any such references in sections 42 and 43.

Civil Law (Wrongs) Act 2002

Members of the legal profession have identified two provisions in the Civil Law (Wrongs) Act 2002 where a claimant may be inadvertently disadvantaged by the operation of the sections in their current form.

Section 51 sets out the time period for a claimant to give a respondent a written notice of claim. As currently drafted, the provision provides that the notice period ends on the earlier of two specified days. One of these days is the day four months after the day the claimant first consults a lawyer. This has the effect that any advice sought, including free preliminary advice provided by legal aid or the law society duty solicitor, or an informal inquiry to a legally trained acquaintance, may set time running for giving a notice of claim. The bill amends the section to provide that the time period ends on the day one month after the claimant first instructs a lawyer to act on their behalf. This amendment is consistent with amendments in other jurisdictions.

Section 188 states that a lawyer must not sign a pleading in relation to a claim unless they have filed a certificate stating that the claim has a reasonable prospect of success. The effect of this requirement is that a lawyer must first file the certificate and then later separately sign and file the pleading. This means that the client pays twice for the filing of documents. The bill amends the provision to provide that a lawyer must not lodge or file a pleading unless they have lodged or filed a certificate or the pleading is accompanied by a certificate.

Confiscation of Criminal Assets Act 2003

The Confiscation of Criminal Assets Act 2003 enables ACT courts to restrain property, income or assets that form the benefits of crime or are used to commit crime. Section 29 of the act sets out the matters to be included in an affidavit made by a police officer that must support an application for a restraining order. The bill amends section 29 to clarify that for an affidavit obtained under the section, the police officer is required to state whether they suspect the property is tainted or subject to the alleged offender's effective control.

An issue has been raised in relation to the use of the word “indictment” in the act. It has been suggested that the use of indictment in the act is not synonymous with an information. The Legislation Act 2001 and the Crimes Act 1900 define an information and indictment synonymously. The bill removes any doubt that in the context of the Confiscation of Criminal Assets Act 2003 indictment also means an information.

Drugs of Dependence Act 1989

The bill makes minor amendments to the Drugs of Dependence Act to allow the regulations developed for the Criminal Code (Serious Drugs Offences) Amendment Act 2004, chapter 6, to be the regulations for both the DDA and the Criminal Code. This will ensure that the same list applies for the drugs of dependence that may be prescribed by doctors and dispensed by pharmacists and those drugs and plants for which an illicit market exists. It is proposed to substitute the specific references to the drugs of dependence regulations in the Drugs of Dependence Act with the Criminal Code regulations that will be made early in 2005.

Legislation Act 2001

Section 192 of the Legislation Act 2001 deals with the question of when a prosecution may begin and provides at paragraph (1) (d) that a prosecution for an offence against section 90—minor theft—of the Crimes Act 1900 may begin at any time. The provision is no longer required, given the provisions of section 321 of the Criminal Code 2002 and the 2002 decision of the full Federal Court in *Lawson v Gault*.

Paragraph 192 (1) (d) was inserted into the Legislation Act before the Federal Court decision in *Lawson v Gault*. At that time there was no offence for which a person who had stolen less than \$1,000 and whose theft was not discovered for a year or more could be charged. Both *Lawson v Gault* and subsection 321 (3) of the Criminal Code resolved this anomaly and, accordingly, paragraph 192 (1) (d) is now redundant. The provision being repealed will continue to apply to offences committed prior to the commencement of the Criminal Code provisions.

As a consequence of the amendment of the word “indictment” in the Confiscation of Criminal Assets Act 2003, amendments to the Legislation Act 2001 have also been prepared to clarify that an indictment presenting a charge of an indictable criminal offence against an accused in the Supreme Court also contemplates an information about any offence against an accused presented to the Magistrates Court.

An amendment was recently made to section 192 of the Legislation Act which intended to place the three categories covered by the section on an equal footing. However, it is still the case after the amendment that a prosecution at any time of an offence with a penalty of 100 penalty units is statute barred against a corporation and an individual who aids and abets a corporation, but not against an individual. To ensure that each category under the section is treated equally, section 192 is being amended by substituting “more than 100 penalty units” with “100 penalty units or more” at paragraphs (1) (b) and (1) (c).

Section 81 of the Legislation Act is frequently relied on to support transitional administrative arrangements between old and new legislative schemes. However, there is some doubt about the operation of the section in relation to the performance of anticipatory administrative functions to be carried out in relation to entities such as statutory corporations that are not yet technically in existence because the establishing legislation has not yet commenced. To remove any doubt, section 81 is being amended to expressly extend its operation to cases where powers are to be exercised in relation to entities established under laws that are notified but not yet commenced.

Magistrates Court Act 1930

The bill amends the Magistrates Court Act to increase the statutory time allowed for appeals from 21 days to 28 days and to allow the Attorney-General and the Director of Public Prosecutions to initiate appeals from the Magistrates Court to the Supreme Court on questions of law. The amendment provides for a reference appeal similar to that which exists for the indictable jurisdiction under section 37S of the Supreme Court Act 1933.

Security Industry Act

The bill amends current section 42 of the Security Industry Act 2003 to state that the requirement to wear a licence does not apply where the regulations require an employee to wear some other form of identification. This amendment is designed to reduce the security risk that may be faced by crowd controllers should their licence, which contains the crowd controller's name and photograph, be pulled off during a confrontation with a disgruntled patron who has been ejected from premises due to inappropriate behaviour or intoxication.

As a consequence of the amendment to section 42, section 41 of the act, which makes it an offence for a licensee to fail to produce their licence on demand, has been amended. It would be impossible for a person who is wearing another form of identification rather than their licence to produce a licence on demand. The bill amends section 41 to provide that the offence will not apply where a person is required to wear another form of identification under section 42.

Security Industry Regulations 2003

Currently, where a security industry provider is granted an exemption under subsection 42 (3) of the Security Industry Act 2003 from the requirement to wear their licence, regulation 12 (1) requires that the master licensee—the employer—allocate a unique identification number to their employees who are crowd controllers. To facilitate the efficient identification of individual crowd controllers in the event of a consumer complaint, the bill amends regulation 12 to provide that the Commissioner for Fair Trading will issue the identifying number to crowd controllers.

Smoking (Prohibition in Enclosed Public Places) Act 2003

The Smoking (Prohibition in Enclosed Public Places) Act 2003, when it commences on 1 December 2006, will insert a number of new provisions into the Liquor Act 1975.

These provisions will amend the disciplinary regime set out in the Liquor Act so that offences against the Smoking (Prohibition in Enclosed Public Places) Act are a ground for the taking of disciplinary action against a liquor licensee.

Sections 31 and 34 provide for the automatic cancellation of a liquor licence or liquor permit where a licensee or permit holder is convicted of an offence under section 8 of the Smoking (Prohibition in Enclosed Public Places) Act 2003. These provisions bypass the existing disciplinary regime operating under the Liquor Act and, effectively, result in a double penalty being imposed upon a licensee or permit holder for one offence. An automatic cancellation without the benefit of a hearing before the liquor board may result in a denial of natural justice for the licensee.

In addition, the penalty of an automatic cancellation of a licence or permit is disproportionate to the offence under the Smoking (Prohibition in Enclosed Public Places) Act that triggers the cancellation, which only carries a maximum penalty of 10 penalty units—\$1,000. The amendment repeals sections 31 and 34. Licensees and permit holders will, however, still be subject to the current disciplinary regime if they breach the Smoking (Prohibition in Enclosed Public Places) Act, as they should be. I commend the Justice and Community Safety Legislation Amendment Bill 2004 to the Assembly.

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

Water Efficiency Labelling and Standards Bill 2004

Mr Stanhope, pursuant to notice, presented the bill, its explanatory memorandum and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.02): I move:

That this bill be agreed to in principle.

It gives me great pleasure today to present the Water Efficiency Labelling and Standards Bill 2004. This bill is the ACT counterpart of a national scheme of legislation to give effect to the national water efficiency labelling and standards scheme, known as the WELS scheme.

Members who were also members of the last Assembly will recall that I wrote to them informing them of negotiations at the ministerial Environment Protection and Heritage Council leading up to the devising and implementation of this scheme. This is a step in the process of the ACT part of the WELS scheme being put into place. The commencement of the scheme depends on the various other jurisdictions introducing and passing their legislation, which is expected by March 2005.

The scheme is expected to conserve 1.4 billion litres of water per year, or 700 Olympic swimming pools in the ACT alone, by 2021 and deliver net savings of \$11 million per year. Nationally, the WELS scheme is estimated to conserve more than 87 billion litres

of water per year—or the equivalent of around 43,000 Olympic swimming pools by 2021. This level of water conservation will generate net savings to consumers of around \$674 million per year and will reduce greenhouse gas emissions by 135 kilotonnes per annum in 2010.

This scheme will be similar in nature to the national energy efficiency labelling scheme for electrical appliances. It will implement a labelling and standards requirement on a range of water-using appliances, such as toilets, showerheads and washing machines. The ACT's participation in the WELS scheme is one of the recommendations in the government's think water, act water strategy and is another illustration of the government's commitment to ensuring our valuable water resources are used as efficiently as possible.

I commend the bill to the Assembly.

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

Government Procurement Amendment Bill 2004

Mr Quinlan, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (11.05): I move:

That this bill be agreed to in principle.

I have introduced this bill to strengthen the public disclosure provisions of the Government Procurement Act of 2001. The aim of the bill is to preclude the public disclosure of information such as design drawings, specifications and other technical data the public release of which could potentially endanger public safety and place at risk the security of the territory infrastructure, buildings and other public works.

The legislation contains provisions that require the territory entities to publish openly, on the notifiable contracts register website, the text of all contracts for the procurement of goods, works and services that are equal to, or exceed, \$50,000 in value. The act provides for some text to be exempt from notification—for example, information about persons and commercial-in-confidence material—but does not allow for the exclusion of information that describes the design, construction or operation of important public buildings and critical infrastructure. With the progression of important projects such as the ACT prison and the Woden police station, the government considers that public disclosure of detailed design documentation and technical drawings concerning these projects is not appropriate.

Whilst the government fully acknowledges that public disclosure of information is central to open and transparent administration, it is equally incumbent upon government to protect the community from the potential risks that public disclosure of sensitive information places on the security of the territory infrastructure and associated

community safety. Given the present unstable and unpredictable international environment, the government is concerned to protect the community from risks that the release of such information may impose upon major public infrastructure projects in the future.

These outcomes will be achieved by amending the Government Procurement Act to prevent the public release of sensitive technical information that may endanger public safety and the security of essential public infrastructure. The proposed amendments will not result in non-sensitive information being withheld from public disclosure. The names of the contracting parties, contract amounts and public text of the contracts, including the general scope of the work, will still be lodged and be accessible on the central contracts register via the Basis website.

The bill also proposes a ministerial regulation-making power to address circumstances where it may be necessary to limit or prevent disclosure of other information that may require protection in the future. Any such regulations would be subject to consideration by the ACT Assembly and be disallowable. I commend to the Assembly the Government Procurement Amendment Bill 2004.

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

Revenue Legislation Repeal Bill 2004

Mr Quinlan, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (11.09): I move:

That this bill be agreed to in principle.

The Revenue Legislation Repeal Bill 2004 will repeal the Financial Institutions Duty Act 1987 and the Financial Institutions Duty Regulation 1990 from 1 July 2005. The bill will amend the operation of the Debits Tax Act 1997, so there will be no tax liability in relation to debits made from 1 July 2005; and the Debits Tax Act will be repealed from 1 July 2006.

As many Assembly members are already aware, part of the intergovernmental agreement on the reform of commonwealth-state financial relations requires the states and territories to cease the application of certain taxes which cannot be reintroduced in the future. These include financial institutions duty, which ceased on 1 July 200; and debits tax, which will cease to apply from 1 July 2005. The ACT has already agreed to comply with and give effect to the IGA under the provisions of the Financial Relations Agreement Act 2000.

The FID Act has already been amended such that payment of this tax ceased from 1 July 2001. However, the FID Act was not repealed at that time to allow for the

lodgment of returns and other administrative functions. This bill repeals the FID Act because it is now totally redundant.

The intergovernmental agreement also states that debit tax will cease to apply from 1 July 2005, subject to review by the ministerial council. At a meeting of the Ministerial Council for Commonwealth-State Financial Relations on 26 July 2004, it was agreed that all states and territories would abolish bank account debits tax by 1 July 2005.

Due to a number of transitional issues, the Debits Tax Act will not be repealed from 1 July 2006; instead, its effect will be limited after 1 July 2005 to imposing tax liability for debits made before that date. The last month for which debits tax is payable would be June 2005, and there is no requirement for financial institutions to lodge returns for any period after June 2005.

Both of these acts would remain tax laws under the Taxation Administrative Act 1999, which would continue to apply to all liabilities incurred prior to 1 July 2005, even if the liability is discovered after that date. This includes assessment or reassessment; imposition of penalty tax and interest; powers of investigation; record keeping requirements; offences; refunds; and objection and appeal rights. Since the abolition of both FID and debits tax has been accounted for in the budget process, there are no financial implications as a result of this bill. I commend the Revenue Legislation Repeal Bill 2004 to the Assembly.

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

Optometrists Legislation Amendment Bill 2004

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.13): I move:

That this bill be agreed to in principle.

I am delighted to introduce a bill today which addresses an important health issue for many in our community and which at the same time supports health professionals in making quality care more readily available. The Optometrists Legislation Amendment Bill 2004 seeks to amend the Optometrists Act 1956 and other related legislation, to allow optometrists in the ACT to prescribe a limited range of medicines for diagnostic and treatment purposes.

Under current ACT laws, optometrists are not able to prescribe medicines or to use medicines for their patients. A person who has an eye condition requiring professional assistance must seek the advice of a doctor or pharmacist. This means that patients who need these medicines for diagnosis or treatment are limited in terms of the types of practitioners to whom they can go. In contrast, in New South Wales and other

jurisdictions, optometrists are permitted to use and prescribe medicines, and a legislative regime exists for determining what medicines they may prescribe.

The government's proposed amendments will provide for optometrists in the ACT to prescribe medicines for their patients who have various eye conditions. A person who has an eye condition requiring treatment will then be able to seek assistance from an optometrist as well as from a doctor or pharmacist, just as they are currently able to do in New South Wales. This will result in optometrists in the territory being able to provide the best possible care for their patients and will mean that there will be increased access to and choice of professional providers of eye care services.

The bill also seeks to update the ACT's legislation to reflect the fact that optometrists need to use medicines for diagnostic purposes during their consultations. By making sure that the ACT's legislation takes account of recent advances and expansions of optometric education and training, we can remove current obstacles which are preventing ACT optometrists from providing the best possible care. We can also bring the ACT into step with best practice in the diagnosis of eye conditions compared with other states which currently allow the use of diagnostic medicines by optometrists.

In the past few years New South Wales, Victoria and Tasmania have enacted changes to their legislation to give postgraduate, qualified optometrists the right to prescribe a limited range of medicines for use in the eye. Other jurisdictions, including Queensland and the Northern Territory, are considering similar changes. The adoption of these arrangements in the ACT would result in our legislation being consistent with that of other jurisdictions.

In considering this change, the government has conducted a public consultation process and investigated a number of options. The Optometrists Legislation Amendment Bill 2004 has been developed after considering the responses to this consultation and after due consideration of the arrangements in other states and territories.

The bill presented today recommends that the Optometrists Board of the ACT allow a registered optometrist to prescribe and use certain medicines in the diagnosis and treatment of their patients' eye conditions if the board is satisfied that the optometrist meets the competency standards approved by the New South Wales optometrists drug authority committee.

Under the proposed amendments, an optometrist in the ACT who meets the competency standards of the New South Wales optometrists drug authority committee will be able to prescribe the same medicines as would an equally qualified optometrist in New South Wales. This means that it would not be necessary to establish a separate ACT infrastructure to govern separate administrative arrangements. Most importantly, the people of the ACT will have improved access to and choice of professionals to provide them with care for their eyes. I commend the bill to the Assembly.

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

Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2004

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.18): I move:

That this bill be agreed to in principle.

I am delighted to present today the Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2004. There is no doubt about the ACT's leadership and achievements in a number of public areas, including the establishment of smoke-free enclosed public places. This is significant not only because of what we have achieved but also because the impact of those achievements has been far greater than our geography, population and resources would suggest.

It is particularly pleasing for us to see, 10 years after the introduction of the ACT's landmark legislation, that smoke-free indoor air is becoming the norm in other Australian states and territories, as well as increasingly throughout the world. In recent months the governments of New South Wales, Queensland, South Australia, Tasmania and Victoria have announced new or strengthened smoke-free public places legislation.

With the signing of an historic World Health Organisation framework convention on tobacco control, international action to address both active and passive smoking will continue to strengthen. Government and citizens are realising that it is possible for people to work and to participate in the life of the community without exposure to environmental tobacco smoke. People who smoke, the majority of whom want to stop smoking, are finding that smoke-free environments are helping them to break free and stay free of nicotine dependence.

Not only are major areas of North America, including California, New York and Boston, covered by smoke-free public places legislation, but also the Republic of Ireland has implemented smoke-free legislation which covers all enclosed public places, including pubs. Only a few weeks ago it was announced that the Scottish parliament would be considering government legislation requiring all public indoor areas, including restaurants, pubs and clubs, to be non-smoking.

In his speech before the Scottish parliament, the Scottish First Minister referred to the need to take tough decisions, and also referred to the opportunity to take the most significant step towards improving that country's public health for a generation. I believe that we are already taking the tough decisions in setting the date for all enclosed public places in the territory to go smoke free.

I also believe that, in terms of being the most significant public health measure for a generation, this is just as true for Australia as it is for Scotland. We can be proud that we

have a head start. Most of our enclosed public places have been non-smoking for 10 years and we already have in place legislation that will ensure that the remainder are non-smoking by 1 December 2006.

That legislation—the Smoking (Prohibition in Enclosed Public Places) Act 2003—sets the framework for phasing out the exemption system which forms part of the current legislation: the Smoke-free Areas (Enclosed Public Places) Act 1994. The government remains committed to the goal of smoke-free enclosed public places by December 2006. We will continue to work with health groups, the hospitality industry and other interested parties to achieve the smooth implementation of the legislation.

As part of that process, the aim of the Smoking (Prohibition in Enclosed Public Places) Amendment Bill 2004 is to fine-tune the principal act in order to remove potential confusion and loopholes, and to make the act more workable. The amendments provide for the development of a clearer definition of “enclosed” to be contained in a regulation. That will eliminate the ambiguities associated with the notion of a place being “substantially enclosed” and will provide for a much clearer definition.

The new definition will set out the characteristics of an enclosed public place. It is the government’s intention that the tabling of this regulation will occur immediately after the present amendments are debated, hopefully in early 2005.

The amendments also clarify the meaning of “public place” by providing a definition which makes it clear that “public” refers to the section of the public who may be admitted to the premises not only by virtue of payment but also by virtue of membership of a body. That is consistent with the definition in the Smoke-free Areas (Enclosed Public Places) Act 1994, and closes a loophole which would otherwise exist if this intention were not made explicit.

The amended definition includes places to which the public has access by virtue of entitlement or permission, which is a way of ensuring that we include places which are open to or being used by the public at a particular time. The amendments also place an obligation on occupiers, or those in charge of premises, to take reasonable steps to prevent smoke in smoking-permitted areas—such as non-public areas and unenclosed areas—from penetrating non-smoking areas of the premises. That is consistent with an obligation that has been part of our smoke-free public places legislation since 1994, and is a necessary complement to the requirement in the act for occupiers to take reasonable steps to prevent smoke from their premises from penetrating neighbouring premises.

Finally, the amendments propose an object to the act, in the same way that the 1994 act contains an object. The government believes that the overall object for the 2005 act can be stated as: “to promote public health by minimising the exposure of people in enclosed public places to environmental tobacco smoke.”

The amending bill includes two minor changes. The first is a slight change to the meaning of “smoke” to make it clear that the same meaning applies whether “smoke” is used as a noun or as a verb. The second change is a correction to section 8 (1) of the 2003 act where the incorrect section had been originally referenced.

The overall effects of these amendments are to reinforce the government's commitment to all enclosed public places becoming smoke free by 1 December 2006 and to move confidently, in cooperation with the community, towards that goal. I commend the bill to the Assembly.

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

Fair Work Contracts Bill 2004

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.25): I move:

That this bill be agreed to in principle.

The Fair Work Contracts Bill I have introduced today will, if passed, establish a new tribunal system to ensure that fair and equitable wages and working conditions are extended to dependent contractors working in the ACT.

In the ACT, employees are protected by a system of minimum awards established by the Australian Industrial Relations Commission. However, the federal award safety net does not extend to contractors. In recent years we have seen rapid growth in “non-standard” working arrangements. This has seen an increasing use of casual employees, labour hire employees and contract workers. For many contractors, however, the contractual relationship is not one of genuine independence and equal bargaining power.

The Fair Work Contracts Bill will establish a legislative scheme to ensure that vulnerable contractors who do not have equal bargaining power are protected against exploitation. It will assist in preventing unscrupulous employers from undercutting federal award standards by engaging contract workers on lower wages and conditions than are required for direct employees.

In many cases, contractors perform the same work as direct employees, wear the business uniform, and have their tools and equipment branded with the business logo. They are often unable to perform work for any other businesses, due to their hours, or are expressly prevented from working for other businesses under the terms of their contract.

Dependent working relationships of this nature create unequal bargaining power when contracts expire and have to be renegotiated. Due to their unequal bargaining position, contractors can often find themselves in a take it or leave it situation, faced with the option of either accepting an unfair contract or finding a new job.

Unfair contracts do not just undermine industrial standards about pay and conditions; they also undermine safety standards. Where the financial rewards for performing work

under a contract are under constant downward pressure, contractors are forced to cut the costs of their operations. Cost cutting leads to inadequate regard for occupational health and safety standards.

The road transport industry, in particular, is characterised by a high use of contractors, compared with direct employment. This has contributed to low wages and occupational health and safety problems in the industry. Inquiries into road fatalities in other Australian jurisdictions have heard evidence about long-haul truck drivers who are required to meet impossible delivery deadlines. The result is tired and stressed drivers under pressure to speed on our roads and drive for very long periods without proper rest in order to meet contractual obligations.

We have also, unfortunately, seen examples in the ACT of unfair contracts forced onto owner-drivers in the transport industry. Fair contracts laws have been introduced in several Australian jurisdictions, including New South Wales and the commonwealth. In fact, there are provisions allowing for the review of unfair contracts in the federal Workplace Relations Act that are already available to contractors in the ACT.

However, these federal laws require individual contractors to seek review of their contracts by the Federal Court. Proceedings in the Federal Court are formal, legalistic, expensive and slow, creating costs and time delays that are prohibitive. It is simply not feasible for a contractor whose contract may provide remuneration even lower than the federal minimum wage to bring proceedings in the Federal Court.

The Fair Work Contracts Bill will establish a low cost, accessible alternative for contractors in the ACT. The bill proposes the establishment of a new division of the Consumer and Trader Tribunal to hear applications from dependent contractors for review of unfair contracts. The Consumer and Trader Tribunal is required under its establishing legislation to ensure that the procedures of the tribunal are as simple, quick and inexpensive as is consistent with achieving justice.

Applications for review can be made by contractors or by their industrial representatives. Legal representation will be available only with the leave of the tribunal, to ensure that proceedings are kept as simple and inexpensive as possible. Truly independent contractors will not have access to the tribunal, as access will be limited to contractors earning less than \$200,000 a year under a contract.

In addition to contractors who are individuals, the bill will provide a mechanism for small businesses to seek review of unfair contracts with larger firms which use their greater bargaining power to impose unfair terms. Corporations with a turnover of less than \$200,000 a year will be able to seek review of unfair contracts. This limitation is designed to ensure that protections are available to small businesses but cannot be abused by larger labour hire firms.

The bill will allow for several people working under the same, or similar, contracts to bring an application for review together, providing an opportunity to cut down on the costs of proceedings. On receiving an application, the tribunal would need to review the contract to determine whether it was unfair. The matters that the tribunal would consider in the review are: the relative bargaining power of the parties to the contract; whether any undue influence or pressure was exerted on a party to the contract or whether any

unfair bargaining tactics were used against a party to the contract; whether the contract provides for remuneration at a rate that is, or is likely to be, less than the rate of remuneration for an employee performing similar work; whether the contract is designed to avoid minimum standards established under federal awards or under standards established by the tribunal itself; whether any action was taken by a party to the contract to mitigate the alleged unfairness; and whether the contract is against the public interest.

If the tribunal decides that the contract is unfair, it can make a variety of orders, including varying the contract and substituting new terms that are fair, deleting contract clauses, or setting aside the contract entirely. The tribunal could also order that the principal pay compensation to the contractor. The tribunal's orders would be enforceable by the Magistrates Court.

In the economic white paper, the government has made a clear statement that it will encourage and develop profitable and sustainable businesses in the ACT. The government is not interested in building an economy based on low wages, with large powerful businesses abusing their market power to drive unfair outcomes. The Fair Work Contracts Bill will ensure that small businesses, as well as the growing number of contract workers, have access to inexpensive, flexible and enforceable protection against unfair contract terms.

The government realises that there has been limited opportunity for external stakeholders to consider this important legislation and is committed to consulting widely before moving to debate on the bill in this chamber. The government is interested in oral and written submissions from interested parties and will be scheduling meetings with key industry, employer and employee stakeholders for January 2005. I ask the Assembly to note the Fair Work Contracts Bill 2004 and the explanatory statement to the bill.

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

Annual reports—2003-2004

Referral to standing committees

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.33): I move:

That the resolution of the Assembly of 7 December 2004 referring annual reports to the relevant standing committees be amended by in column 1, entitled "Standing Committee":

- (1) omitting the word "Health" and substituting "Health and Disability"; and
- (2) omitting the word "Education" and substituting "Education, Training and Young People".

Members, this is only a minor change. When the Assembly resolved on Tuesday to refer relevant annual reports to the relevant standing committees of the Assembly, the formal titles of two of the committees in the schedule were incorrect. This amendment corrects that.

Question resolved in the affirmative.

Legal Affairs—Standing committee Scrutiny report 1

MR STEFANIAK (Ginninderra) (11.34): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 1, dated 9 December 2004, together with the relevant minutes of proceedings.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Firstly, I welcome the two new members to the committee—Deputy Chair Karin MacDonald and Dr Deb Foskey. This is our first report for this Assembly. It contains the committee's comments on two bills, 94 pieces of subordinate legislation and three regulatory impact statements. I commend the report to the Assembly.

Executive business—precedence

Ordered that executive business be called on forthwith.

Sitting pattern—2005

Mr CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.36): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members; or the Assembly otherwise orders, the Assembly shall meet as follows for 2005:

February	15	16	17	
March	8	9	10	
	15	16	17	18
April	5	6	7	
May	3	4	5	6
June	21	22	23	
	28	29	30	
July				1

August	16	17	18	
	23	24	25	26
September	20	21	22	
October	18	19	20	21
November	15	16	17	
	22	23	24	25
December	13	14	15	

As members would be aware, there has been a range of discussions outlining the sitting pattern for the coming calendar year. There are no significant changes to the sitting pattern. Whilst the number of sitting days is reasonably comparable to those of the last Assembly for a year, there will be, in fact, a greater number of sitting days. Members will note that one change is to extend sitting days to Friday mornings every second sitting week. That is consistent with the proposal the government has put to other parties and members in the Assembly to provide for more appropriate times for sitting during the week and to allow increased capacity for executive business on Fridays. I commend the calendar to members.

Question resolved in the affirmative.

Road Transport (General) Amendment Bill 2004

Debate resumed from 7 December 2004, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.38): The opposition will be supporting the bill. As would be appreciated, the Summernats event will be the indirect but immediate beneficiary of the proposed amendments, although, of course, these changes will be applicable to other events. Summernats is an important opportunity for motorsports enthusiasts to come together. It is also of major importance in Canberra to the elements of the retail, hospitality and tourism industries which have been beneficiaries of this event for some 17 years.

Research undertaken by my office reveals that attendance figures reached last year passed the 116,000 mark—and fairly steady growth has been enjoyed over the past several years. I understand that some legal debate exists in relation to the necessity for these amendments but, as the bill states, it is all about removing any doubt whatsoever in relation to possible third party claims that might arise from events such as the one I have identified.

I thank the Treasurer for arranging for a detailed briefing to be provided by both his staff and departmental officials in relation to the amendments, including the urgent nature of this matter. Summernats will, I am advised, inject around \$15 million into the ACT economy and will involve direct expenditure by those organising the event of around \$3 million. I understand that 90 per cent of their outlays are expended in the local region. It appears that employment, through one means or another, is created for around 2,000 people from all walks of life who are fulfilling a range of tasks from food service through to ticket sales and security.

Motorsports are of vital interest to many in Canberra, and many will be anticipating some attention to the construction of a dragway for those same enthusiasts, in view of the long delays the community has had to endure in relation to that proposal. The amendments proposed therefore support the clear use of declarations in relation to third party matters and will serve to ensure that any doubt about possible claims arising is eliminated.

Opposition members who were briefed on the amendments were assured that all necessary insurances were in place in relation to this particular event and that a range of measures was being implemented to ensure the safety and wellbeing of members of the public attending this event. There was some disparity between the Treasury briefing and advice I have subsequently received that there had been no claims in 17 years. I understand there have been about half a dozen claims for injury in the life of this event. Those claims were not of a substantial nature and are not, in my view, material to these amendments. The opposition will support this bill.

DR FOSKEY (Molonglo) (11.41): The Greens also will be supporting the bill. We are very pleased that we were able to be given such comprehensive and comprehensible briefings by ACT Treasury officials. We have no concerns about the bill. Our inquiries also satisfied us that there are valid reasons for taking prompt action, given that the bill was tabled on Tuesday and we are agreeing to it on Thursday. We just want to make the strong point that, in general, this is not the way we would like the Assembly to do business; that we believe that all bills deserve scrutiny and consultation with the community. But in this case, this bill and the next bill—in fact, I will speak now to the second bill so I do not have to get up next time as well—are more or less technical bills, and we certainly support them.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (11.42), in reply: I thank members for their support of these technical changes.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Territory Owned Corporations Amendment Bill 2004 (No 2)

Debate resumed from 7 December 2004, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.43): The opposition will support these proposed amendments to enable the formal creation of the new entity, Rhodium Asset Solutions. Once again, I appreciate the opportunity afforded by the Treasurer to be briefed by his officials on the proposed changes and the reasons for this initiative. I understand that legal advice necessitated the change in question; but the change is, in effect, simply a

name change from Totalcare, as the original entity winds down its operations. I understand also that the new entity will be subject to potential levies but will be competing for business on the open market, as well as addressing the fleet needs of the ACT public sector.

During the discussions, information was provided that external business has been secured from both the Australian Department of Defence and Centrelink. Whilst, on the surface, this success appears commendable, I need to place on record a personal reservation and, indeed, an opposition reservation about government enterprises of any sort which embark on ventures in direct competition with the private sector, especially when the competitors are often skilled and well-established providers in this area of activity.

As I mentioned on another occasion, whilst there are examples of success in this regard of government business enterprises, there have been many examples around Australia of black holes occurring when outcomes achieved are not as envisaged—and the ACT is certainly no exception in that regard. In any event, the opposition will support these amendments, which seem to be largely of a mechanical nature, to ensure the change of name for this ongoing enterprise.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (11.45), in reply: I thank members for their support, and take seriously the warning that Mr Mulcahy has just given. We will be making sure that this business operates conservatively. It is only an enterprise of convenience inasmuch as we need a third party to allow novated leases to continue to be in place; otherwise it would not exist. We do not intend to get out there and try to compete with Hertz, Avis or anybody else.

While I am on my feet, I will just let members know that I cannot be here this afternoon, so I would like to interpose my Christmas wishes to all. May you all enjoy Christmas. I look forward to a new year in a rapidly maturing parliament that can take a prideful place among the other parliaments of Australia. It is a great pleasure to be here today to see the parliament work in such a constructive and effective manner—so far today, in contrast to yesterday. To all: have a good Christmas.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Suspension of standing and temporary orders

MRS DUNNE (Ginninderra) (11.47): I move:

That so much of the standing and temporary orders be suspended as would prevent notice No 1, private members' business, relating to rural leases in the Molonglo Valley, being called on forthwith.

Mr Speaker, this matter in relation to rural leases in the Molonglo Valley is an important item. It was listed yesterday for proceedings and, as you would have noted, the Liberal opposition was not necessarily prepared to go home at 6.00 o'clock yesterday and would have been prepared to deal with it yesterday.

We have a hiatus in proceedings now because the government has no business to conduct and we are scheduled to sit for nearly three-quarters of an hour longer. I seek the indulgence of the Assembly to bring forward this important matter relating to the security of a number of my constituents.

MR CORBELL (Molonglo-Minister for Health and Minister for Planning) (11.48): Mr Speaker, the government will not be supporting the suspension motion today. The reason for that is not that we disagree that we could take the opportunity to discuss the matter at this point; it is that Mrs Dunne will need to try to give greater warning to the government if the opposition wants to bring on business in this way, rather than just dropping it on us at the last moment. The government is not in a position to respond to the debate at this point because adequate warning has not been given, so it will not be supporting the suspension motion.

MR STEFANIAK (Ginninderra) (11.49): Firstly, on Mr Corbell's point, I cannot see why this government would be any different from previous governments in that, when notification was given on a Tuesday afternoon of what the private members' business would be on the next day, the relevant ministers of previous governments and their officials would get the speeches ready and do the work so that the ministers would be hot to trot on the Wednesday.

I understand that Mrs Dunne would have 15 minutes to speak to her motion. It is a detailed motion and I am sure that she would use up that time. I would hope that Mr Corbell would have been ready for yesterday. Surely, it would not be too much to ask of him, as the relevant minister, to have his speech brought in from his office or whatever. I would hope that all the work would have been done in preparation for a debate yesterday.

I do not know whether Mr Corbell's excuse really washes. The situation is not one of something being sprung on the government and the government having had absolutely no opportunity to do the work, to get in there and ensure that it has notes ready to respond to whatever the private member is bringing up and saying in the house. That should have been done yesterday. In fact, to paraphrase, Ms MacDonald, that would be a relevant discipline. Certainly, an efficient government would do that.

I would hope that this government would come into the chamber of a Wednesday prepared for private members' business. I image that it would do so, as have previous governments. I have already started hearing jokes about the Assembly being 9 to 5 as a result of the 6 o'clock rule that is now being imposed and about us looking a bit silly out in the community as a result thereof; but, given that we have adopted that rule, that that is a rule of the Assembly, I think it behoves us to utilise all the time available. If this motion got up, we would have probably an extra half an hour or so that we could utilise very productively to discuss important matters before the Assembly.

About eight private members' matters have been listed for the Assembly and we have done about one and a half of them. Here we have a chance at least to get into another important matter. The issue is important for three individuals. It has been around for quite some time. The issue is one of which a number of members, especially Mrs Dunne and Mr Corbell, would have a good knowledge and the discussion of it would be a very efficient use of the more limited time that we now have for these matters.

We are at the start of a new Assembly. We do not have a huge amount of business listed for today, which is quite understandable. Let's make use of the time that we do have to discuss business which has been before the house since yesterday and which, surely, the government should not have too much difficulty in debating.

Mr Corbell: Why should Mrs Dunne have priority over Dr Foskey or one of the other members?

MR STEFANIAK: That is another question. Move such a motion. Indeed, Mr Gentleman is part heard.

Mr Smyth: We are disciplined.

MR STEFANIAK: Yes. I am glad the question of discipline has been raised. Ms MacDonald, who is the new government whip, has been interjecting for the last two days about discipline.

Mrs Dunne: Does that go with bondage?

MR STEFANIAK: I don't know. You might get a nickname there, Ms MacDonald, if you keep that up. But the point about the need for discipline is not a bad one, the need to ensure that you speak to the point and do so within the timeframes allocated. We now have a timeframe for this place of 6 o'clock. If members opposite accede to this motion they will be showing that they are prepared to put their money where their mouth is, that they are prepared to be disciplined, to be efficient, to utilise the time. I would hope, as I said earlier, that they are actually prepared for Mrs Dunne's motion. It would be dreadful if they were not, but I cannot imagine that they would not be. It would indeed be showing discipline to use the time available.

Finally, speaking in terms of precedent, I seem to recall that under the first Carnell government—there might have been an earlier precedent in the First Assembly or the Second Assembly, but you would know better than I in relation to the Second Assembly, Mr Speaker—there was an instance where private members' business was brought on when there was a gap in time. I am not sure whether that was opposed at the time. In fact, there might have been general agreement to it.

Mrs Dunne: We did it in the last Assembly. We did it on this matter.

MR STEFANIAK: Yes. It has been done before and it is a very sensible utilisation of time. I commend Mrs Dunne's proposal to the Assembly. If the government wants to insist on Mr Gentleman going ahead, she may well accede to that. But let's use the time properly; let's show discipline.

MR SMYTH (Brindabella-Leader of the Opposition) (11.54): Mr Corbell said on radio this morning that the government is going to use its time wisely and that, if we worked hard between 10.30 am and 6.30 pm, we could get through the business. When this debate started we had almost 45 minutes of time that the government was not able to use because of its lack of discipline.

I congratulate our whip for being organised, disciplined and ready take up this available time and help the government out. It all comes down to whether Mr Corbell was simply expressing platitudes this morning or whether he is actually keen as Manager of Government Business to use up all the available time sensibly so that we get out of this place on time. Obviously he is not.

Mr Corbell has an opportunity here to do so. The opposition whip is organised. We are here to help out the government. Perhaps the government whip needs to become a little more disciplined. It is her job to make sure that everything rolls along properly here. Our whip is doing the job properly. The government needs to learn a little bit more. The point is that we have an opportunity to discuss an issue that is important to at least three constituents and their families. We are now down to having 35 minutes to do so. The government is resisting this move and has said that it will not back it.

A question was raised by Minister Corbell as to why Mrs Dunne's motion should come forward first. It should because she is organised and she is ready to roll. We have been disciplined and we have done the work. The government needs to lift its game in this regard. It is always open to the minister to move an amendment to the motion and bring on a different piece of private members' business should he so wish.

We have seen yet again the government gagging debate in this place, particularly that of the opposition and the crossbench, on issues that have the potential to embarrass the government—in this case, to embarrass the minister responsible, who is well across these issues and is often well able to speak on many subjects. He does not want to debate this one today simply because it is of embarrassment to this government.

We need to be debating this issue to give these people who have been left out to dry by this government for almost two years some relief from the uncertainty of the position that they have been put in by this government. It would be a nice way to finish the year if the Assembly actually did something constructive for a couple of constituents.

DR FOSKEY (Molonglo) (11.56):, I hope that I am the last speaker to this question that the motion be put. I do support the motion. I also support—

MR SPEAKER: The question before the house is that the standing orders be suspended.

DR FOSKEY: I hope that I am the last speaker on that topic. I support the proposal that we discuss this business first, though it was kind of Mr Corbell to suggest that perhaps there should be a ballot and my business should be given the chance to be pulled out of the hat. The reason I support the proposal that Mrs Dunne's motion be discussed first is that it is very current and deserves attention. I do remember that there was an amendment circulated yesterday in Mr Corbell's name. I suspect that that indicates that he also is ready.

I am certain that the families concerned—the Coonans, the Tullys and the Tanners—are very ready to hear this matter discussed. They made an appeal to a meeting I was at prior to the election and there is no doubt that anything we can do to make them feel a bit more secure and able to envisage their future is important for us today.

I would hope that we will not waste much more time discussing this motion, because, as I have seen in my two or three days in this place, there is a tendency with greater discussion for speeches to deteriorate. I think that we should be sticking to the point. Therefore, I would like to see us agreeing to the suspension of standing orders and moving on to the substantive debate.

MR SESELJA (Molonglo) (11.58): Mr Speaker, I would like to make a couple of additional points. In relation to what Dr Foskey said, I do not think that it goes to the merit of the discussion which Mrs Dunne will be leading, although it is quite meritorious. It goes to the fact that the Assembly should be able to discuss business and the Assembly should be able to do its business. If the government is not prepared to fill the time, we should have the right to represent our constituents in the best way we can. There is no reason that the government should be shutting down debate on this subject.

Mr Corbell's statement that he was not ready is laughable. He circulated an amendment to the motion yesterday; so it is not reasonable to argue that he could not be ready and that he did not have enough notice. This is just another example of the government seeking to gag debate. They are not ready. They are lazy. They do not have enough business to bring on, so they do not want to debate anything. They thought they would just have a longer lunch. It is laziness and it is lack of discipline.

For the last couple of days we have been lectured by Ms MacDonald about discipline. We have been disciplined and are ready to go, but the government is not. The government is hiding behind the claim that it did not have notice. The government did have notice and should know exactly what is going on. We have half an hour left here. I am not going to keep us any longer. We are going to try to be disciplined. Seeking to vote down this motion would be just another disgraceful attempt to gag the opposition. We have a right to be heard. We have a right to represent our constituents. Mrs Dunne has a right to represent rural lessees and she should be allowed to do so. The government's attempt to shut down this debate is a disgrace.

MR CORBELL (Molonglo-Minister for Health and Minister for Planning) (12.00): I seek leave to move an amendment to Mrs Dunne's motion.

Leave granted.

MR CORBELL: I move:

Omit "Notice No 1" and substitute "Order of the Day No 2, relating to the 150th anniversary of the Eureka Stockade" and add "and if not concluded before question time, continuing after Ministerial statements today."

Mr Speaker, this amendment simply means that, in response to the opposition's suggestions on this point, the government is prepared to bring forward order of the day

No 2, the motion commenced but not yet completed by Mr Gentleman yesterday in relation to the 150th anniversary of the Eureka Stockade, and allow debate on that item, if it is interrupted by the luncheon break, as it probably will be, to recommence after ministerial statements this day.

Amendment agreed to.

Original question, as amended, agreed to with the concurrence of an absolute majority.

Eureka Stockade—150th anniversary

Debate resumed from 8 December 2004, on motion by **Mr Gentleman**:

That this Assembly:

- (1) congratulates the Stanhope Labor Government on its initiative to fly the Eureka flag over Canberra to mark the 150th anniversary of the Eureka Stockade;
- (2) recognises the significance of the events of Eureka to the development of Australian democracy and the enduring relevance of discussion and debate about the foundations and process of our democracy;
- (3) expresses its disappointment with the Federal Government's lack of willingness to engage with the ongoing debate about such a significant point in Australian history; and
- (4) calls for the ACT Government to ensure the continuing future commemoration of the Eureka Stockade in the ACT with the introduction of a calendar note from 2004.

MR GENTLEMAN (Brindabella) (12.03): Commemorating the Eureka Stockade is about recognising some of the agents of that change; but, perhaps more importantly, it is about recognising the benefit to our democracy of contested ideas and ongoing vigorous debate.

For example, the cry of the Italian Raffaello Carboni for the miners to salute the Southern Cross, irrespective of religion, nationality and colour, as the refuge of all the oppressed from all countries on earth remains a contested idea. There are some people who today decry our responsibility to ensure that refugees from all countries on earth can seek sanctuary under the Southern Cross. Ongoing debate and activism have worn down some of those barriers and will continue to challenge the ideas that see refugees behind barbed wire in Australia.

The nature of the Eureka rebellion itself remains contested. Indeed, while the miners of the rebellion demanded manhood suffrage irrespective of religion, nationality and colour, some of their contemporaries were guilty of the most heinous acts of racism against Chinese miners. And the cry of suffrage was not truly universal. In 1903, non-indigenous women were granted suffrage, but it was not until 1967 that indigenous Australians finally achieved the vote.

These were not issues fought for by the miners, but rather arose out of further struggle and debate—radical ideas made reasonable through debate and struggle. The commemoration of Eureka recognises these debates and urges all of us to take forward

our democracy and to recognise it, not as an institution or a foundation, but as a process for change.

The history of the Eureka Stockade is not limited to those events on that day in December in Ballarat. The Eureka flag is not a symbol of the political or ideological views of those groups who have flown it as a symbol of rebellion, both those groups who have my support and those with whom I passionately disagree. It is not a symbol of the views necessarily of the miners of the rebellion; rather the history of Eureka is constantly being created every time the flag is foisted and every time we, as a community, engage in our democracy and in struggle for what is right and what is fair.

The Eureka rebellion was, in itself, a short-lived event. In fact, within 15 minutes of the commencement of the attack of the colonial military force, the stockade itself had been destroyed. The legacy of Eureka has, in this 150th anniversary, been proven to be much more enduring. This motion works further to ensure that the legacy of Eureka, our commitment to ongoing debate and a process of democratic change, withstands the test of time.

The federal member for Ballarat, Catherine King, has worked throughout this year to ensure that the commonwealth parliament accords the Eureka rebellion the appropriate consideration in the year of its 150th anniversary. Similarly, a senator for Victoria, Gavin Marshall, moved a motion in the Senate that saw the Eureka flag displayed from a flagstaff in public view on the anniversary of the battle of the Eureka Stockade.

Yet it is worth noting, as this motion does, that we are right in retaining a small disappointment in that, as we celebrate our democracy through the spirit of Eureka, the federal government, which, for so many schoolchildren in our territory and beyond, is representative of that very democracy, is operating in a vacuum. It is a shame that the Prime Minister and senior federal government ministers have not bothered publicly to recognise the contribution of Eureka to the development of our democracy and, further, that they are not doing so for political reasons.

Perhaps their silence echoes the real purpose of this motion today and the importance of the continued commemoration of the Eureka rebellion. Democracy is not just about this house of assembly, nor the other that faces our proud Eureka flag on City Hill. It is about those schoolchildren and their future, and their willingness to engage in the democracy that they will inherit and create.

The motion before you suggests one means of commemoration, that is, the introduction of a calendar note marking the date of the Eureka Stockade—a small symbol but, I believe, a powerful one. Other significant dates that are celebrated and acknowledged through calendar notes are NAIDOC week, Remembrance Day and Mabo day. These dates are of significant relevance to the history of Australia and are celebrated accordingly.

Initially a day of remembrance to recognise the oppression and the struggle of indigenous people, NAIDOC week embodies a historical commitment to celebrate the struggles and cultures of indigenous Australians. The week provides an opportunity for all ACT government schools to become involved with projects involving Aboriginal and Torres Strait Islander culture and to explore the long and ardent fight indigenous people

went through for recognition as Australian citizens. It serves further to recognise the ongoing struggle of Australia's indigenous people.

Remembrance Day offers us all the opportunity to reflect on the horrors of war and to remember all of those who have fallen in the wars and conflicts we have experienced as a nation. This day is not one of celebration, but a collective reflection on the tragedy of the loss of those lives. Its commemoration makes space in our lives to recognise that those of others have been lost in war and conflict. It encourages us to look behind with sadness and regret and forward with hope for peace. Mabo day commemorates our longest struggle, that of seeking recognition of the indigenous people's sovereignty and their struggle for justice.

These days, in their own way, are symbolic of our commitment to engagement with the process of democracy and themselves arose out of the processes of debate and struggle for recognition, commemoration and commitment to progressive change. In the same manner as Eureka, all demand reflection and engagement with the ideas and the debates surrounding these special occasions.

This is the purpose of a commemorative calendar note—to continue the work begun this year, the 150th anniversary of Eureka, and that of teachers and parents across Australia and throughout our territory of instilling in our children a willingness and an interest in engaging with the process of our democracy.

I hope that, through the introduction of such a note and the future commemoration of the Eureka rebellion, we shall continue to inspire the passion and the debate which are the foundation of and the process of our democracy. As participants in the democracy of the Australian Capital Territory, I urge members to support this motion.

MR SMYTH (Brindabella-Leader of the Opposition) (12.09): I thank Mr Gentleman for bringing on the motion concerning the Eureka Stockade. I had relatives in the area at the time, which I will speak a little bit about later, but I want to concentrate now on the twisted telling of the story by the ALP, which hijacked, as it always does, an Australian event to suit its political purpose at the time. To say that Eureka is about the spirit of Australian independence and fledgling democracy and that therefore we should be supporting the refugees and then to invite Mr Hicks's father to lead the march so that an Australian icon can be used for a political purpose is pretty cynical.

If we go back to what happened at Eureka, we will find that, essentially, it was a tax revolt. Miners who were paying taxes for their mining rights were revolting against what was basically an unresponsive, big taxing, arrogant government. Perhaps we will see Canberra business people demonstrating on City Hill because we have a big taxing, unresponsive, arrogant government as well. I would like to see Mr Gentleman there on the barricades with small businessmen.

Let's face it, the miners were small businessmen who were struggling as they were setting out to do something to further their own ends in the interest of the community. By about 1871, Victoria had the most profitable economy in the world and the highest living standard in the world as a result of their efforts, but let's not hijack these events. Let's tell the truth about the story.

A group of small business people clubbed together to resist their government. It was not about refugees, the injustice of America and some of the other things that people have tacked on to it. If you look at what was actually happening on the goldfields at that time, you will find that there were things that we, as Australians, probably should be a little bit ashamed of as well. The treatment of some of the people in the area, particularly the treatment of the Chinese and the indigenous people in the area, was appalling. So let's be very careful about twisting the history as it is so easy to come back later and use it for our own ends.

I would agree with the sentiment expressed that the Eureka Stockade was a significant event in this country's history. The lesson I learned from the Eureka Stockade is that the people sent a very clear message to their government of the day that they wanted small government, less intrusive government and a lower taxing government. I was just thinking that not much has changed. I think that most Australians today would like smaller government, less intrusive government, and a less high taxing government. I think that that is the true message coming out of Eureka.

Was it an expression of a fledgling democracy? The democracies were working fairly well at that stage. For the time, Australia was fairly advanced in the democratic process and, as can be seen from the events that came from that at the turn of the century, with the constitution, suffrage for women and many other things, Australia actually led the way in the democratic process. But let's not twist the tale too much to suit our own political needs.

Mr Speaker, a distant relative of my mother jumped ship in Melbourne in 1851—a gentleman called Le Lievre from the Channel Ports—and made his way to the Ballarat area. He failed as a miner—he struck out, as they say—and then set up a bullock line which, if I understand the family history right, travelled between Melbourne and Ballarat and the goldfields and actually made quite a good living, as most service industries end up doing, out of supporting the activity.

The claim to fame—I cannot substantiate it, but it is a good family story—is that he had a mate called Peter who asked whether he could borrow Mr Le Lievre's wagons one weekend and some of these wagons apparently formed some of the barricades that became the Eureka Stockade and were promptly burnt by the troops. So, somewhere up there in the ashes on Eureka hill, are those of some wagons that used to belong to my forebears. That is the family history of it. I think we all have an attachment to it in some way. The flag itself has been used over many years as a symbol for calling government to task and challenging authority. I think that that is quite good.

The opposition thinks that the motion, unfortunately, debases the true story of Eureka. Paragraph (1) congratulates the Stanhope government. Gratuitous self-congratulations from the government normally do not count for much. Paragraph (2) is very important. It recognises the significance of the events of Eureka in the development of Australian democracy. We think that that paragraph is reasonable.

Paragraph (3) is unsubstantiated and, I think, a slur on the federal government. No other flag ever flies over the Australian parliament and no other flag ever should fly over the Australian Parliament House. To say that even for a day we should put up the Eureka

flag over the federal parliament is not something with which I agree. We should not do that. So I will move an amendment shortly for the removal of paragraph (3).

In terms of paragraph (4), if Mr Gentleman is keen enough he will write to all of the calendar producers and they will, of course, start to include it in their calendar production. That is how these things normally start. The producers of calendars pick and choose what data they put into their calendars. Unfortunately for us, a great proportion of the large, glossy calendars that are sold in this country are printed overseas. I would commend that to Mr Gentleman. If he can get all the American, Japanese and Chinese printed calendars to include a reference to Eureka day, I would be very happy.

At this point, Mr Speaker, I will move the amendment circulated in my name. I move:

Omit paragraph (3).

MR CORBELL (Molonglo-Minister for Health and Minister for Planning) (12.15): I congratulate Mr Gentleman for moving this motion. It is very timely that we acknowledge on the 150th anniversary of the Eureka Stockade the significance of recognising the event in the national capital. The response from the Canberra community to the flying of the flag on City Hill, Commonwealth Avenue and Northbourne Avenue has been outstanding.

The beauty and the symbolism of that flag strike many people in our community, regardless of their background, because it is a truly Australian flag. It is without reference to other cultures or other countries. It is a flag of Australia. I think that that is why people find that it resonates so strongly for them.

The motion, as Mr Gentleman has outlined, goes to all of the issues that are important around marking this anniversary. I want to take issue with some of the points made by the Leader of the Opposition. History is, of course, an issue of debate and the significance and meaning of events are always debated amongst historians as well as amongst the broader community. Eureka Stockade is no different from that.

Yes, you could argue that it was a revolt by those who felt that they were being taxed unfairly, that they were being harshly treated by an unresponsive and undemocratic government. Equally, you could argue that it had undertones of something more than that—that it had undertones of an aspiration for self-government, an aspiration for representation of a broader range of interests than those that currently existed and was really a challenge to the authority of the ruling elite at the time.

You could argue either and you could argue both. I think that the beauty of the Eureka story and why it remains such a matter of interest is that it is contentious. But I refute Mr Smyth's rather simplistic claim that it is a case of one side hijacking it away from the truth. The reality is that truth is what the public debate is all about and there is no absolute truth to the story. It is how we view it, it is how we assess it, and it is what values we place on it generations after the event.

Turning to paragraph (3) very quickly, there was a real lack of willingness by the federal government to engage in the issue. The Prime Minister, who is well-known for his willingness to appear at nationalistic events, chose not to participate in the Eureka

celebrations at Ballarat. As far as I am aware, there was no federal government representation at this significant event. That I find quite surprising, given that the federal government traditionally has engaged very strongly in these events at some level, but there was no official representation, I understand, by the commonwealth at that event.

More importantly, Mr Smyth made comment about flying the flag over Parliament House. There is one other flag that flies over Parliament House, that is, the standard of the Queen when she visits Parliament House. It is reasonable enough to have the Queen's standard flying over Parliament House when she is in the building. I know that she is the head of state and that it is appropriate. But why not bung it outside Parliament House?

Mr Speaker, I think that that is the point we are all making: every other parliament was prepared to recognise the flag in a public and open way but not, regrettably, the parliament of the commonwealth. That is unfortunate. Nevertheless, I think Mr Gentleman's point was well made and it is appropriate that that remain in the motion.

Mr Speaker, I congratulate Mr Gentleman for bringing the issue forward. I congratulate Jon Stanhope for his advocacy on this issue. He has in some ways actually shamed the federal government into doing something, because all these flags were flying around Parliament House but there was nothing on Parliament House and everyone was saying, "Why are they all around Parliament House but not on Parliament House?"

I think that the steps that the Stanhope government took to commemorate the event really did prick the conscience of our counterparts in the federal parliament. I am glad that there was at least some, albeit very modest and low key, recognition on the day in the federal parliament. I congratulate Mr Gentleman for moving the motion.

DR FOSKEY (Molonglo) (12.20): I wish to support to Mr Gentleman's motion to have the date of the Eureka Stockade remembered in the ACT. I do not support the opposition's amendment. I see no mention in Mr Gentleman's motion that the Eureka flag should replace the Australian flag on the top of Parliament House.

Today, we have had two versions of the meaning of Eureka from two ideological viewpoints. I would like to add mine. Mr Speaker, the writing and rewriting of history is a constant process, as new generations researching the past do so with the lenses of their times and their own preoccupations. Thus, the contributions of women and minorities are of more interest now than they were when I went to school. I would never have known that there were women on the goldfields if I had only been listening to my teachers and reading the textbooks.

Mr Smyth: Didn't you watch *Rush*?

DR FOSKEY: Perhaps I was a child a little bit before you were, Mr Smyth. We tend to portray the Eureka Stockade as a men's event, as though they were the ones who took an active role in the fighting that occurred. As a result, there were some shadowy players, including not only women but also some active Aboriginal people and others of colour. Evidence is also turning up which indicates that Aboriginal people played a role at Eureka as policemen and as providers of creche facilities for the miners and their families.

Today, however, I want to focus on women. They were there at the Ballarat goldfields, all right. Researcher Clare Wright recently pointed out, to quote from her work, “as publicans, shopkeepers, teachers, prostitutes and military wives involved in family decision making, women were historical agents in their own right”.

Women on the goldfields performed the roles that women performed in society more generally in those days. They were wives, mothers and daughters. They worked as domestic servants, milliners, shoe binders, cooks, nurses, prostitutes, brothel keepers, storekeepers, hotel keepers and diggers. Apparently, they were not subjected to the licence fees that men were, but many were prepared to stand up against the injustice to their men.

So, if we are going to remember Eureka, let us remember everyone who played a part, including the humble but essential role of sewing that contentious flag—it was not the men who sewed that flag; in fact, one wonders whether it was the men who came up with the design—and providing food, for one is the symbol and the other the sustenance of Eureka.

In closing, I would like to say that, whilst we may fly the flag and otherwise commemorate Eureka as a result of this motion, I hope that we will not spend the Assembly’s time making speeches about it every year. This year, being the 150th anniversary and the spirit of Eureka being much needed in these political times, it is right to remember this colourful moment in our history. But we have important things to get on with here. Let’s put the focus of our discussions where they belong, on the issues of our times, perhaps bringing to those discussions that spirit of Eureka.

MS MacDONALD (Brindabella) (12.24): I thank Mr Gentleman for his motion, which I am pleased to have the opportunity to speak to today. As Mr Gentleman has acknowledged, more than 200 Southern Cross flags have been raised over Canberra in the past week to mark the 150th anniversary of the Eureka Stockade. This government has been proud to participate in the celebrations for the Eureka anniversary. Along with sending students to Ballarat and flying the flags, we have included a representative in the national reference group coordinating the anniversary celebration.

At Ballarat’s Bakery Hill in 1854, a group of goldminers, fed up with corrupt officials and an unfair licensing system, took an oath: “We swear by the Southern Cross to stand truly by each other and fight to defend our rights and liberties.” The oath followed the formation of the Ballarat Reform League, which worked to reform the licensing system and demand annual parliaments, payment for members of parliament, abolition of the property franchise and its replacement by manhood suffrage and, finally, the removal of the property qualification for membership of the Victorian Legislative Council.

A few days after the Eureka oath was sworn, the miners erected a barricade to divide police and the army and a short battle resulted in about 22 deaths. But, as so often happens, defeat on the battlefield turned to victory, with all the miners’ demands eventually being met. Historian Anne Beggs Sunter has called the oath a rallying cry for all citizens, male and female, British or European, professional or labourer. The oath still resonates today, as the continued debate over Eureka has shown.

Many different groups in the Australian community—the labour movement, politicians of all sides and the republican movement—have all at one time or another laid claim to the mantle of Eureka. Some say that it was about a small business struggle. Mr Smyth has said that today. Others say that it was about a workers' rebellion.

Mr Gentleman is right to call on the Assembly to recognise the significance of the events of Eureka to the development of Australian democracy because, whether you think it was motivated by a labour movement, small business or something else entirely, Eureka represented democratic ideals through the attainment of suffrage and fairer representation. More simply, it represented democratic ideals through the miners' fight for equal rights and a fair go.

The events at Ballarat in 1854 are open to debate and I am pleased that the raising of flags in Canberra has helped trigger this debate locally. As Gough Whitlam said in 1973, the importance of an historical event lies not in what happened but in what later generations believe to have happened. That is why I was disappointed that the Prime Minister of Australia refused to take part in the official celebrations for the 150th anniversary of Eureka and it is why I support the third part of Mr Gentleman's motion, which calls on the Assembly to express its disappointment with the federal government's lack of willingness to engage with the ongoing debate of Eureka.

Mr Howard would say that he prefers substance over symbolism. He does not understand the simple fact that it is the symbolism that gives meaning to the substance. Debates about our past are vital as Australia looks towards the future. History helps us understand the present. Events like the Eureka Stockade help us to understand the formation of our national identity.

The final part of Mr Gentleman's motion calls for the ACT government to ensure the continuing commemoration of the Eureka stockade in the ACT by the introduction of a calendar note. I am very supportive of this call. By being included in the official calendars, the day will not be a public holiday, but it will be marked in a similar way to days such as Mabo day. I understand that the government will be pleased to mark the day by raising the large flag on City Hill on 3 December each year. I understand also that schools will be provided with flags that they can raise to mark the anniversary.

I would like to say in finishing, Mr Speaker, that before last week and the raising of the Eureka flag around Canberra I had not really gone into the debate about the Australian flag. The Union Jack does not cause me a great deal of offence, but there are times when I do not think that it is necessarily the symbol that we want to be putting out to the rest of the world. We are not a colony of Britain; we are our own country. Certainly, the Queen is still the head of state. I am a republican and I would like to see that we get our own head of state one day, but I have never had a huge argument about the flag. I do not think it is worthy of debate. I think there are other things which are more important.

But I have to say that as I have driven around the town in the last week it has given me a buzz to see the Eureka flag raised on flagpoles. I think the argument about the symbolism of the Eureka flag being important is a worthy one. I commend Mr Gentleman for his motion.

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

Sitting suspended from 12.30 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): Before the commencement of question time today, for the information of members, my colleague Ted Quinlan, the Deputy Chief Minister and Treasurer, is absent on business of the government. I will be more than happy to take any questions that may be directed to him.

Questions without notice

Health—job cuts

MR SMYTH: My question without notice is to the Minister for Health. Minister, yesterday you confirmed that there would be redundancies in the human resources and finance areas of your department. When did you decide that redundancies were necessary within these areas of your department? How many positions will be axed, and why didn't you advise the people of Canberra of your decision before the election?

MR CORBELL: Mr Speaker, this decision was taken subsequent to the election, not prior to it. It was not something that I had under consideration prior to the election, so there wasn't anything to disclose. To give some background to members, the chief executive of the department, Dr Sherbon, has initiated a review, first, of the finance areas of the department, to be followed by a review of the human resources areas. They will be looked at closely to make sure that they meet best practice in terms of staffing levels and opportunities for greater efficiencies in those areas. Then decisions will be made as to what redundancies are possible and how they will be achieved. There is no definitive number at this stage, but it is an area that is being looked at as part of a standard workplace review—first of all of finance and then of human resources. It is being done in close consultation with the relevant workplace unions.

MR SMYTH: Mr Speaker, I have a supplementary question. Minister, what level of savings is being looked at? When will you advise the staff concerned of your decision about their jobs?

MR CORBELL: As I have just indicated, the department, through Dr Sherbon, is keeping in close consultation with workplace unions. They are being advised of the progress of a workplace review of finance in the first instance, which will be followed by a review of human resources. As I have said, the number of positions is unclear at this stage. Obviously, we believe there is some scope for efficiency in these areas, but the review process itself will determine that. It will help inform that decision, and any communications will be done in accordance with the relevant industrial agreement and in consultation with staff members and their union.

Budget—community input

DR FOSKEY: My question is directed to the Chief Minister in the absence of the Treasurer. Ordinarily at this time of year departments are in the process of developing their budget bids, and the community sector is responding to a government invitation to provide budget submissions. Last year the deadline for budget submissions from the community sector was 3 December.

We understand, however, that the community has not yet been advised of the process for providing input into the 2005-06 budget. Would the minister inform the Assembly of government plans and timelines for community input into the coming budget deliberations?

MR STANHOPE: I regret that I do not know precisely what steps the Treasurer may have taken to date in relation to advice to the Canberra community, or the community sector in particular, in relation to formal budget consultation. So I cannot answer that part of the question specifically. I am more than happy to take advice today from the Treasurer's office as to whether he has taken any action to date and whether any formal invitation has been made to or communication had with the community sector.

On my behalf and on behalf of each of my ministers, I say that we each stand ready to receive representations not just from the community sector but also from all parts and sectors of the Canberra community and, indeed, all individuals in relation to their views—the priorities as they see them—attitudes and hopes for this government's first budget.

In the recent election campaign, the government made quite clear and explicit what our priorities were. We were elected on the basis of those promises, our record and our commitment to continue with the work that we initiated in the previous Assembly. The government has made certain undertakings to the Canberra community. We have been returned to government on the basis of those undertakings and those promises. They represent our priorities and our view of the future. We, the government, will be very much guided by those promises and those commitments. They will be very much the focus of the government's deliberations in the budget cabinet process.

We are very willing and stand ready to consult and meet with representative organisations from throughout the community in relation to the budget and the priorities as the community sees them.

DR FOSKEY: Mr Speaker, I ask a supplementary question. The Chief Minister may have to take this one on notice to Mr Quinlan's staff as well, but it is important that I ask it. If the community sector is not invited to make submissions until early next year, is the government able to take its views and ideas into account when the budget development process will be so far along and more difficult to implement?

MR SPEAKER: It is a hypothetical supplementary question.

MR STANHOPE: I understand the thrust of the question though, Mr Speaker, and I am more than happy to respond to it. I think it is possible for me to respond now on behalf of

the government. Let me say here and now that I and my colleagues invite and welcome submissions from the community sector.

However, it needs to be said that we have very good lines of communication and very good mechanisms for consulting with the community sector and, indeed, all sectors of the Canberra community. We have consistently been doing that throughout the entire term of our government—that is, over the past three years. It is not as if we are saying to the community sector, “Let’s start again. Let’s start talking about the issues of moment to you and of concern to us and of concern to you and the priorities as you see them.”

All the work we have done in government over the past three years, and the work that we did in the context of the last election and will do over this next four years, is based on a deep understanding of the needs of the Canberra community, and the thoughts and priorities of the community sector and, indeed, all representative organisations in Canberra. So it is not as if we are starting afresh. But we stand ready and are very willing to consult in the context of the upcoming budget on issues that will feature in that budget.

In the context of the electoral cycle, it has to be said that there is real pressure on any government elected in an October election—a late election of any new government—and timelines are tight. We are determined to meet a budget delivery day of May 2005. There is significant pressure on the government and our agencies—and indeed now on the community sector—in terms of the timelines to which we need to work. It is a matter of fact in the first budget of any Assembly after an October election. This issue relates to the appropriateness of having a late-year election, of having October as the date for an ACT election.

Children—Weston Creek centre

MR SESELJA: My question is to the minister for education. The Weston Creek children’s centre, which is in our electorate, was destroyed by fire in November 2003. Following the fire, the centre was relocated to the Rivett primary school. I understand that, whilst the government promised to rebuild the centre on its original site in Parkinson Street, little action has been taken to rebuild the centre, which is putting extra pressure on the children, their parents and the staff. Why has the government been so slow in making a decision to start work on rebuilding the Weston Creek children’s centre and when do you anticipate that the centre will be rebuilt?

MS GALLAGHER: I remember clearly when the Weston Creek children’s centre burnt down and the government moved so quickly to establish a childcare centre at the Rivett primary school to care for the 40-odd children who had been placed in that centre. In fact, I believe that the centre at Rivett primary school opened within just over a week of the childcare centre burning down in Weston Creek, which was a great credit to the staff of the public service who managed to deliver that outcome and re-form primary school classrooms into something that was safe for younger children.

Going on from that, quite a bit of money is being spent on improving the facility at Rivett primary school, including a great deal of work being done on the outdoor area and inside the rooms to make it an acceptable and quite pleasant childcare centre for those

children to attend. In fact, I have had quite a bit of feedback from parents about how successful the relocation to Rivett has been.

Mrs Dunne: I take a point of order under standing order 118 (a), Mr Speaker, about being concise and to the point. No-one doubts that good work was done in setting up the Rivett centre, but the question was about when it is anticipated that the Parkinson Street centre will be rebuilt and why there has been a delay.

MR SPEAKER: Sit down, Mrs Dunne. We are getting to the point where points of order are frivolous. Ms Gallagher has five minutes to answer the question and come to the points raised by the questioner.

MS GALLAGHER: Mr Speaker, I think that it is an opposition ploy to eat into our five minutes so that we cannot answer the questions that they have asked, but perhaps Mrs Dunne will learn, if she is sat down every time over an irrelevant point of order, that she is wasting the time of everybody in this Assembly. Anyway, to follow on from that, the decision to rebuild the Weston Creek childcare centre was made immediately. In fact, members may be aware that in the third appropriation bill, extra money was provided to make sure that the centre to be rebuilt at Weston would be of the size required for that community, which would be a larger centre.

Along with that, there has been a quite extensive police investigation into the fire and an insurance investigation into what occurred there and that has taken a fair bit of time in relation to progressing the redevelopment, but the redevelopment is well on schedule. I cannot give you the exact date, but I undertake to get back to the Assembly with the date, if there is one. The planning work is being done. It will be a larger centre and it will be a better centre. The government, as it has done with everything relating to services for children, has invested additional resources to make sure that when the centre does reopen it will be offering the best care in the best location, with the best facilities possible, something that the opposition never would have done in government.

Gardens and arboretum project

MR GENTLEMAN: My question without notice is to the Chief Minister, through you, Mr Speaker. Could the Chief Minister provide the Assembly with a report on the progress of the Canberra gardens and arboretum project?

MR STANHOPE: Thank you, Mr Gentleman. I am happy to do so. This is, I think, a very exciting project for the ACT. I think members of the Assembly would be aware that the government announced in December last year plans for an international arboretum and gardens near the western shores of Lake Burley Griffin, from Glenloch interchange and the corkwood plantation to the Molonglo River.

The aim of the Canberra international arboretum and gardens is to create a spectacular mosaic of permanent public gardens and, indeed, a showcase of different trees from around the country and from around the world. Its future, I am sure, is bright as a major tourist and visitor drawcard. I think we can anticipate that, when this particular vision of an international arboretum and gardens comes to fruition, we will have added a significant additional iconic attraction for Canberra. It will be an enormous boost to our tourism potential and capacity and, indeed, to the people of the ACT. I think we all

know, through the success of Floriade and the rose gardens that the commonwealth has just renovated at the old House of Representatives, the extent to which Canberrans and Canberra are drawn to beautiful gardens and to trees.

It is interesting and worth reflecting on, Mr Speaker, a couple of issues around arboreta. There is a history of arboreta in the Australian Capital Territory. There are some very significant arboreta established by Weston and by Lindsay Pryor and established at the direction of Burley Griffin himself. We have some magnificent arboreta around the city area—the Lindsay Pryor arboretum, Westbourne Woods, the arboretum on Mount Pleasant and a number of arboreta throughout the rest of non-urban ACT.

We know it is a matter of significant pain that some of those early arboreta were destroyed in the fire. It is fitting that, out of the fire and out of the decisions we make in relation to that, we now establish an arboretum that I think will be the jewel of all of them—the new arboretum and the gardens which we hope will be part and parcel of that.

For the information of members—and I think they would be aware of this as well—in September the government launched a design ideas competition for the international arboretum and gardens. Entries for that design ideas competition closed on 29 November. Forty-five entries have been received from throughout the whole of Australia and, indeed, from overseas, with very good response in terms of interest received from the number of initial registrations made. In fact, a rate of 78 per cent has been achieved.

I think we will, from what I am told is a range of quite spectacular proposals and vision represented through the entries, be delivered a wealth of ideas and possibilities and will be able to create a garden and an arboretum with a real sense of vision. I think there is great cause for excitement from this particular program.

I have appointed a jury of seven very notable Australians to judge the entries that have been received in the design competition. The designs will be put on public display. The jury has been appointed. I am so pleased that they have agreed to be part of the jury. They are:

- Mr Ronald Giurgola, the international architect who was responsible for the design of the new Parliament House;
- Professor Catherine Bull, head of urban design and landscape at Melbourne University;
- Mr David Churches, an internationally recognised architect and consultant to the Beijing Games;
- Professor Peter Kanowski, head of forestry at the school of environment, resources and society at the ANU;
- Mr Eric Koundouris, the director of the Koundouris Group and noted Canberra business person and philanthropist;
- Ms Alex Sloan, host of ABC Radio's *Garden Show*; and
- Mr Sandy Hollway, formerly director of SOCOG and the Bushfire Recovery Taskforce.

Entries are currently being assessed. A short list will be prepared over the next couple of weeks and the successful designs will be displayed throughout Canberra, for the

information of the Canberra community, after that. As I say, this is a fantastic project, causing great excitement. I believe that, in time to come—perhaps having regard to the rate at which gardens and arboreta are developed—it will, in turn, be an iconic feature of Canberra and the Canberra scene.

Redundancy payments

MR MULCAHY: Mr Speaker, my question is to the Minister for Industrial Relations. Will the minister please confirm that certified agreements were recently concluded in relation to individuals employed by the ACT Public Service and that such agreements contained provisions allowing redundancy payments of up to 26 weeks? Can the minister advise, first, the minimum qualifying periods for such employees to avail themselves of redundancy provisions; and, secondly, details of any private sector industrial award or agreements existing in any part of Australia wherein such generous redundancy provisions might apply?

MS GALLAGHER: I thank the member for the question. Redundancy provisions have been in the public sector—both public sectors around the country and the commonwealth public sector—for quite some time. They are longstanding provisions. The content of private sector certified agreements is outside of my area of responsibility and something that you can check up yourself on the Internet. It is not something that I will be spending my time looking at.

We have a responsibility here to make sure that our public servants are well looked after, well remunerated. The redundancy provision—

Mrs Burke: Oh, keep at arms length.

Mr Smyth: Is she the Minister for Industrial Relations or for government employment?

MR SPEAKER: Order!

MS GALLAGHER: Mr Speaker, if I could just answer the question. I know Mrs Burke hates listening to me—she hates it—but I would appreciate it if she could just sit there and keep her mouth shut while I answer the question.

As Mr Mulcahy has said, standard redundancy provisions have been around for some time. Although there have been no improvements in those conditions, there have been no reductions. This government has taken the view that we want the best conditions possible for our public service. We compete with the commonwealth and we have to be mindful of that. We believe that, as employees who dedicate their work to delivering services to the public, they deserve appropriate conditions in their certified agreement.

Conditions in certified agreements cover a whole range of areas from leave to redundancy, to pay, to responsibilities in the workplace, to family conditions. They cover a whole ambit. We have put a lot of effort into making sure that those certified agreements are the best that we can offer, within the constraints of our finances.

I am very proud of the fact that we have delivered wage outcomes that are now at reasonable levels—I would not say that they are overly generous—to around 24 per cent

over 4½ years. This is what we will have paid by the time the agreements expire—a number of them have not been certified, Mr Mulcahy; many of them have been—in order to redress the situation we were faced with when we came to government. We had staff leaving in droves to go to the commonwealth. We had positions that could not be filled—critical positions, allied health positions, teaching positions—because the opposition, when in government, paid one per cent per annum; one per cent over five years when they were in power. We saw the sham of wage cuts. They oversaw wage cuts. That was their way of dealing with enterprise bargaining. How can we shaft the workers in our workforce and expect more from them?

I should also point out that they used the redundancy provisions quite well themselves. There were lots of redundancies under that government. We are not going to apologise if there are redundancies provisions for the public service. We have tried to lead the way. We hope that the private sector follows. They should—they should look after their workers too; they should make sure that they are looked after if they lose their jobs and are faced with having no money to pay for their commitments. They should have some capacity to meet those costs following a separation from employment, and we do that through redundancy provisions. It is quite appropriate and something that we are not going to change.

MR MULCAHY: Mr Speaker, I ask a supplementary question. Notwithstanding the minister's advice that I could go to the Internet and look at other redundancy arrangements, with which I am in fact familiar, I ask: in light of the Treasurer's comments in regard to skill shortages in Canberra, has the minister herself looked at comparisons between the redundancy provisions being provided for under these agreements and those applying in the private sector in Canberra across awards and employers?

MS GALLAGHER: No, I have not looked at redundancy provisions in the private sector. I not sure how that would relate to skill shortages anyway. I do not get the member's point. Skill shortages exist in a number of areas in the ACT, particularly around areas such as bricklaying, tiling and plastering—three that I can think of immediately. People are choosing carpentry and other areas in the private sector. It is not a matter of people not choosing the private sector in which to work. If you look at our training numbers you will see that we have had a huge increase in the number of trainees and apprentices in the private sector in the past year. In fact, we have increases of 15 per cent in commencements in the private sector.

Mr Smyth: Commonwealth study leave.

MS GALLAGHER: It has not a great deal to do with the commonwealth, although I will give Mr Smyth this: we do work in partnership in training so I am not saying it not about that. A joint effort has managed to deliver big increases in the numbers of young people and older people returning to or changing careers in the private sector.

Again, I cannot see how the redundancy provisions have an impact when we are seeing huge growth in the private sector. It seems to me that people are making choices about where they want to work. We have a very strong, vibrant economy that is supporting that. We have a federal government that is supporting training and we have a state

government that is assisting training development. The link between skill shortage and redundancy is unclear to me.

Hire cars

MRS DUNNE: My question is to the Minister for Urban Services. I refer to the letter to the Limousine Industry Association from the Minister for Urban Services—in fact, the acting Minister for Urban Services—dated 9 September 2004 in which the government proposed to make a formal offer of \$100,000 per licence to individual hire car licence owners sometime in the first half of 2005. Why is this figure not the figure that was discussed in the Planning and Environment Committee inquiry into the Road Transport (Public Passenger Services) Amendment Bill 2003?

MR HARGREAVES: Thank you very much for enabling me to break the duck, Mrs Dunne! I appreciate that very much. The first thing is that the government will not slavishly follow a standing committee, of which you were chair. We need to understand that an enormous amount of work needs to be done before an amount is determined.

Opposition members interjecting—

MR HARGREAVES: I can wait, Mr Speaker, because the clock runneth on, just like Mrs Dunne's mouth. There is an enormous amount of work, as Mrs Dunne would know, in developing not only the amount that is to be offered but also the terms and enactment of the legislative requirements for the leasing, and people got on with. We have to understand that this is a total package effort here. We also need to understand, and I am sure Mrs Dunne's memory is infallible on this one, that the government said there would be an offer of an amount which would come in by I think it was June or 1 July of 2005.

Mrs Dunne: It is 1 July 2005.

MR HARGREAVES: Okay. Well, the last time I looked at a calendar we have got over six months to go on that, well and truly over six months to go. I have had discussions with the limousine association, the contents of which I do not intend to discuss in this chamber, nor with the opposition, and breach that confidence.

Mr Smyth: I bet you won't tell us how disappointed they were.

Mrs Dunne: Especially you!

MR HARGREAVES: Perhaps Mr Smyth or Mrs Dunne might like to get up and answer the question. I have absolutely no doubt that, by the conclusion of the next six months, there will be an honourable, dignified and just exit from the draconian regime that these people had stewardship over for many years. We have to remember that it was that lot over there that put the industry into such stress that people got ill and tried to leave the market. This government has entered into dialogue with that industry to try to come up with an amount of money that is justifiable and satisfactory, and enables them to exit the system without penalty. It was this mob that was going to give them nothing. It was this mob that was prepared to run the industry down.

Opposition members interjecting—

MR HARGREAVES: In fact, I am talking about the value of those plates.

Mr Smyth: On a point of order, Mr Speaker. Section 118 (b) says that the minister cannot debate the subject, which he is clearly doing. He has to come back to the substance, which is: why has he betrayed the limousine industry and changed his mind—

MR SPEAKER: That has been dealt with, Mr Smyth.

MRS DUNNE: Why is it \$100,000 and not \$120,000?

MR HARGREAVES: Mrs Dunne throws the figure of \$100,000 across the chamber. Mr Speaker, you have not heard me say that figure. The whole issue of licensing, the value of the plates and the amount of money that will be offered to individuals has not concluded at this point. And no amount of pressure from Mrs Dunne will have the slightest effect on me whatever.

MR SPEAKER: Does the member have a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Does the minister's previous answer mean that he will not be keeping faith with his commitments to the limousine association and the hire car industry; and now that he has become a minister does this mean that he will be selling out these small business people that he has championed so eloquently in the past?

MR HARGREAVES: I have no intention of responding to such a ridiculous question.

Housing—community connection program

MRS BURKE: Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister, the community sector is greatly concerned that you are planning to cut the community connection program, currently run by four community organisations. I was contacted by a concerned volunteer working in the sector who stated that the word is passing around the sector that a former Labor staffer is now working in your department, with plans to “cut community housing to the bone before Christmas”. Can you confirm or deny that you intend to “cut community housing to the bone before Christmas 2004”? In particular, will you continue to fund the community connection program that is helping so many people in our community?

MR HARGREAVES: I do not intend to respond to questions that are, essentially, “Have you stopped beating your dog up yet?” So I am not going to respond to that bit. I can respond, in terms of community connections, to say that this government has an enormous commitment to people with housing problems. If the member wants to have a really good, long, hard look at this government's record, instead of bleating, she will get a very pleasant surprise and realise that, in fact, our priority is housing people wherever we can and responding to their needs, whether it be in a community housing context, individual homes or supporting people with disabilities. Our record for housing these people is considerably better than the opposition's record. We will be continuing our support.

Mr Smyth: Mr Speaker, I rise on a point of order. The question quite clearly was: is the government going to cut the community program? In a way, it could be a yes or no answer. I know you cannot direct the minister to do that; but he is not talking about it. The question was not about the government's record on housing. The question was about whether or not the community connection program will be cut. He is way off the mark in terms of relevancy.

MR SPEAKER: I thought I heard him say he was going to continue to support it.

Mr Smyth: No. He said that they will continue to support community programs. This is the community connection program specifically; it is about a specific program, not about a general community program.

MR SPEAKER: The minister dealt with the subject matter of the question and I think his answer was in order. How he answers it is a matter for him.

Mr Smyth: But he has to answer it.

MR SPEAKER: No, he does not have to answer it.

Mr Smyth: Yes, he does; of course he does.

MR SPEAKER: No, he does not have to answer it. I have news for you! It is in the hands of the minister. You can ask the questions: provided they are within the standing orders, ministers can answer them how they like; and they need not answer them at all. Have a look at *Parliamentary Practice*.

Mr Smyth: Mr Speaker, I agree with most of what you have said but the answer has to be relevant; it has to be about what was asked. He is avoiding the question, which was whether or not a program called the community connection program will be cut.

MR SPEAKER: The minister is required to deal with the subject matter and he has five minutes to do it. That is the relevant standing order in this case. The minister has dealt with the subject matter and he still has time left if he wants to continue.

MR HARGREAVES: I do not intend to waste the Assembly's time any further.

MRS BURKE: Mr Speaker, I have a supplementary question. Could the minister then inform the Assembly of what he is going to do to assure those most vulnerable in our society that they will not be left in the lurch over the Christmas period; and quash any rumours that are floating around the community?

MR HARGREAVES: As I read the question, it is what am I going to do to assure the people out there in the community who are trying to be housed properly, and who are currently being frightened by rumours being spread, that that will not be the case. That is my reading of the question.

Mrs Burke: On a point of order, Mr Speaker: that is not the question I asked.

MR SPEAKER: Hang on a minute, Mr Hargreaves. Mrs Burke seems to think you may have misunderstood the question.

Mrs Burke: He did. I asked: what is the minister going to do to assure those most vulnerable in our society that they will not be left in the lurch over the Christmas period—and to quash any rumours circulating in the community?

MR HARGREAVES: I will address some of the rumours that I suppose have been circulating around the community and that have been perpetrated by Mrs Burke. I have not had the same feedback she has had, so I imagine one or two people have flooded into her office in the past couple of months saying, “Woe, woe; doom is here; woe; doom!” The answer to that is very simple—we are going to do two things: first, we are going to rejoice in the fact that the people of the ACT returned a Stanhope Labor government to look after community housing issues instead of risking it with that lot over there.

Second, I can tell you that clearly Mrs Burke has not seen the community housing future directions policy framework, which outlines the ACT’s policy directions for expanding community housing and supporting the viability and sustainability of the community housing sector. She has not gone to the trouble of reading it. No, what she does is bolt out there into the community, frightening everybody to death—and those couple of people who flood into her office on a monthly basis believe her.

Mr Smyth: They are already scared by you!

MR HARGREAVES: Well, more fool them for believing you!

Mrs Burke: You put the word out: deny it or confirm it.

MR HARGREAVES: More fool them for believing you! Mr Speaker, if she had taken the trouble to read her budget documents, she would have seen that in 2003-04, there was a further \$3 million put into the third appropriation.

Ms MacDonald: Mr Speaker, I wish to raise a point of order—standing order 37. The constant interjections from Mrs Burke are getting to the point of no return. She really must desist from interjecting.

MR SPEAKER: I agree with that. Mrs Burke: cease the interjections. If you persist with your interjections, I will proceed further with the matter.

MR HARGREAVES: Thank you, Mr Speaker. Mrs Burke has not bothered to read the appropriation bills—and I am sure she has trouble because they have numbers in them. The problem with it is this: there is another \$3 million to be expended in 2004-05; \$7 million of the third appropriation for 2004 was allocated to the purchase of properties for head-leasing back into community organisations; there was \$1.2 million over four years for funding and feasibility studies; and in 2004-05 \$450,000 was allocated to supporting sector development activities.

That does not sound to me as if we are abandoning anybody; it sounds to me like we are putting money into it. We are backing up our support for people who need housing—

with money. What we are not doing is tearing around the bottom of these big flats saying, "Ooh, er: you're unsafe; ooh, er: you're not going to have a house at the end of the month" and inciting riot. Well, good on you! We are getting on and doing it and all you are doing is going, "Bleep, bleep!" Well, good for you!

Health—dental waiting lists

MS MacDONALD: My question is to the Minister for Health. Minister Corbell, can you advise the Assembly of the latest dental waiting list figures, please?

MR CORBELL: I thank Ms MacDonald for the question. Yes, dental waiting list figures have significantly improved since the Stanhope government first came to office in 2001. It is a matter of great regret for this government, and I know for all of my state and territory colleagues, that the commonwealth government, when the federal Liberal government was first elected in 1998—1996, I am sorry—decided—

Mr Smyth: It was a good year, '96.

MR CORBELL: It was not a good year for all those people on public dental waiting lists, I can assure you—decided to withdraw all funding that the commonwealth provided for public dental waiting lists and public dental treatment. And who this hit hardest were pensioners, people with health care cards, concession card holders, and so on—those who could least afford to see a dentist privately.

The reduction of public dental waiting lists was significant. In July 2003 there were 2,878 clients waiting an average of 22 months for restorative services. I am very pleased to advise the Assembly that, as at 30 October this year, there were only 1,187 clients waiting for restorative services—a reduction of more than 50 per cent—and the waiting time was only six months, compared to the 22 it was in 2003. The waiting list has been reduced by over 58 per cent, and the average waiting time by a very similar figure.

The reason for this is that the government has invested an additional \$500,000 annually in the ACT budget for restorative and denture services. These funds have been utilised to reduce the waiting times for restorative and denture services by developing and implementing partnerships with private providers, whereby we contract private dentists to do the work on people on the waiting lists, rather than have them all waiting to get into the public dental clinic. We have also recruited extra dental teams and improved access to our own programs.

We are not complacent about improving these services further. Indeed, we have committed, through the election, an additional \$2 million over the next four years to further reduce the public dental waiting lists. When you consider how important good dental health is for your quality of life, you would really appreciate the importance of improving access to these services.

This is a reform the government is very proud of, an outcome that we believe is making a real and substantive difference for older people in our community, pensioners, health care card holders and so on, who otherwise cannot afford to access public dental services. This is another great example of the government investing to deliver better public health outcomes for the people of Canberra.

Dragway

MR STEFANIAK: My question is to the minister for sport and recreation. Mr Stanhope, obviously, will take it to day, but he should know something about it. Minister, in the ACT election you and the minister for sport promised a dragway within 18 months. What concrete steps have you taken to achieve this purpose to date?

MR STANHOPE: Thank you, Mr Stefaniak, for the question. The government is committed to a dragway in the Australian Capital Territory. It is an issue that has been much discussed over many years.

The steps that the government has taken since the election have been concrete, very direct and quite vigorous. I have given a direction to the head of the Chief Minister's Department, Mr Mike Harris, that it is my and the government's expectation that every effort is to be made to ensure that the undertaking that the government gave prior to the election is honoured. To that extent, it is our intention—and the direction is explicit—that everything that needs to be done to achieve the establishment of the dragway be done.

Sites under investigation are in the Majura Valley. There is a range of issues, some of which are outside the control of the ACT government, in relation to the availability of those particular sites. They are block 51 or block 52. Each of the sites represents a range of issues that need to be addressed, one being that one of those blocks is half-owned by the commonwealth.

I met with the minister for territories, Mr Jim Lloyd, a week ago. One of the issues on the agenda was cooperation by the commonwealth in relation to the ACT government's determination to meet its commitment to develop a dragway in the Majura Valley. I asked Mr Lloyd for his personal support and his support as minister for territories to ensure a level of cooperation with the commonwealth, commonwealth authorities and instrumentalities in relation to issues around land and the availability of land in the Majura Valley for the construction of a dragway.

I was very pleased with the extremely positive response that I received from Mr Lloyd in relation to that particular issue. He undertook to work with me and the ACT government. He undertook to facilitate, through his office, contact and the provision of assistance in relation to issues where the commonwealth has a role and an involvement.

As a result of directions that I have given to the head of the Chief Minister's Department, the Chief Minister's Department has formally directed the head of the implementation of major projects group within the Chief Minister's Department, a group which has just recently been created, to take formal responsibility for the dragway project. The project will be driven through the Chief Minister's Department by Mr George Tomlins.

I met yesterday with Mr George Tomlins to discuss process and progress in relation to the government's determination to build a dragway in the Majura Valley. I have enormous faith in the abilities of my department; those of my chief executive, who is very clear about the direction he has been given; and Mr George Tomlins, who is the

officer with personal and direct responsibility for delivering this particular promise on behalf of the people of the ACT.

That is the level of some of the steps that we have taken. We are, of course, determined to do everything we can to meet the promise. But, as I say—and this was made explicit—there are issues in relation to this, some of which are beyond the control of the ACT government, some of which will be difficult and complex. They go to issues around the availability of that land.

As I say, in the Liberal Party's promises and undertakings in relation to this, the same issues would, of course, have been raised: one of the two parcels of land identified as suitable within the Majura Valley is not owned by us. One, of course, is territory land that is currently under lease. There are difficult and sensitive issues in relation to that. We are not going to go charging in to reef that particular lease. Even if the lessee were willing to sell, for instance, complex negotiations would have to be held. If there are not issues around that, there are significant issues around compulsory acquisition if that were the path that we had to pursue.

Our determination is strong. The steps we have taken are concrete and very direct. They have led, as I say, to formal directions from me to the department; they have led to meetings with the commonwealth. It has been at the top of our agenda.

MR STEFANIAK: Thank you, minister. Before the election, either you or Mr Quinlan promised to set up a steering committee containing representatives of the dragway proponents. Has that been set up yet? If not, why not?

MR STANHOPE: As I said in my earlier answer, very concrete steps have been taken.

Mr Seselja: It's not what they said they'd do.

MR STANHOPE: We have been in government for three weeks. It is at the top of the agenda with the minister for territories. It is one of the first directions I have given to my department after we have been in government for three weeks.

No, the committee has not yet been formed, but it will be.

Social plan

MS PORTER: My question is to the Chief Minister, who announced, as part of the Canberra social plan, a commitment to enhance the celebration and commemoration of events of significance to the ACT community. Chief Minister, can you inform the Assembly of the progress of plans to celebrate Canberra, particularly in relation to Christmas, New Year's Eve and Canberra Day?

MR STANHOPE: I thank Ms Porter for that important question. Indeed, issues around celebrating Canberra and celebrating the community are very important to the people of Canberra. That has been recognised by the government formally in the Canberra social plan, which I was very pleased to release earlier this year. The Canberra social plan acknowledges quite explicitly the importance of ensuring a vibrant and united

community that we celebrate issues and aspects of the community that are important to each of us.

Through the Canberra social plan and through, I think, the third appropriation bill, the government has made a very significant commitment to celebrating a number of notable events, most specifically New Year's Eve, Australia Day and Canberra Day, and other events of some importance to the Canberra community. I am very pleased with the progress that we have made in implementing those aspects of the Canberra social plan and that budget initiative for celebrating Canberra.

The first concrete expression of our determination to celebrate as a community, to come together to join in celebrating those events, to be a community, to interact, to be together, was the lighting of the Christmas tree in Civic Square, adjacent to the Assembly, just last Saturday. It was a very successful start to the Christmas in the city program, with the establishment as an annual event of a large Christmas tree in what might be described in time to come as the most important of the squares that constitute the heart of the city of Canberra.

It was a fantastic event, very much the start of a major new commitment expressed through the Canberra central task force and our commitment to revitalising Civic, expressed again by the NCA and the Minister for Planning just yesterday in launching the Griffin legacy program, and what we are doing through the revitalisation of Civic is, of course, very much part and parcel of what has been proposed by the NCA through that program.

We are also on the verge of finalising arrangements in relation to this year's New Year's Eve celebrations. There will be a fantastic street party. Two venues will be utilised simultaneously. I am sure that Civic will come alive this New Year's Eve like no other. There will be fireworks displays at 9 o'clock to cater principally for families and younger people and a second fireworks display at midnight after a major party that will be part and parcel of both Civic Square and Garema Place.

I am very pleased that Hayley Jensen, who should have been the winner of *Australian Idol*, will be appearing at the New Year's Eve celebrations. I think it is fantastic that Hayley is to be available for that and is prepared to do it. I am sure that she will return thanks for the fantastic support she received from Canberra. Joe Camilleri will lead some great local talent in the Garema Place concert.

Australia Day next year certainly will be the biggest Australia Day in Australia's history; there is no doubt about that. The government has committed \$130,000 to Australia Day next year. There has never been funding of that order. There will be a number of new events and a repeat of some other significant events. We will have the big bush picnic again at the Cotter; the inaugural Chief Minister's sailing regatta; ParkLive '05, an event for younger people in Glebe Park; and Manuka pool's 75th birthday celebration.

In addition to the major concert that the commonwealth will be hosting on Australia Day eve, there will be a Chief Minister's cricket match. On Australia Day, the ACT government will be the major sponsor of the Australia Day tribute that will bring together the Edinburgh Military Tattoo to perform at the war memorial—a fantastic event.

Over and above all that there will be the traditional citizenship ceremony in Commonwealth Park. I am looking forward to speaking at that to give my perspective on the importance of Australia Day and the meaning of Australia Day to Australians. I look forward very much to that. I have been banned from officiating and the ban has been maintained by the commonwealth government. I cannot actually officiate at the ceremony, but I will be speaking.

To conclude, Canberra Day next year similarly will be perhaps the biggest, most ambitious and most fantastic Canberra Day imaginable. We have devoted significant resources to Canberra Day next year. We have achieved some major sponsorship that I look forward to announcing soon. It will be a fantastic celebration of Canberra Day. The details of that are still being developed, but it will be fantastic, following the best ever National Multicultural Festival. There will be major celebrations from now until March almost non-stop.

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

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

Supplementary answers to questions without notice Hospital waiting lists

MR CORBELL: Mr Speaker, on Tuesday, Mrs Burke asked me a question in relation to a particular patient awaiting plastic surgery and whether she was still waiting for plastic surgery. I can advise members that a review has recently been conducted of plastics procedures on the waiting list that could possibly be cosmetic surgery. The patient Mrs Burke referred to is one of those patients and she is still waiting for her surgery. Following review by the plastic surgeon, this patient has been identified as not cosmetic but of a low priority. The particular plastic surgeon involved does, regrettably, have a very long waiting list.

Canberra Hospital—surgery

MR CORBELL: Mrs Burke asked me, on Wednesday, a question in relation to day of surgery admission rates. The answer to Mrs Burke's question is that, first of all, it is incorrect that the day of surgery admission rate or DOSA target of 90 per cent was set for the Canberra Hospital; that is not correct. ACT Health set a target for DOSA at the Canberra Hospital of 75 per cent. This target was set in May this year.

The Canberra Hospital's day of surgery admission target was set at 75 per cent, based on best practice national hospital activity achieved by similar hospitals providing major trauma, tertiary hospital and complex surgery services such as major cardiac surgery. For 2003-04, the Canberra Hospital's DOSA rate was 58 per cent. In September 2004, the Canberra Hospital's DOSA rate was 66 per cent, an improvement of eight percentage points. The day of surgery admission rate at Calvary Hospital to September 2004 was 92 per cent.

Health—job cuts

MR CORBELL: Mr Smyth asked me a question in relation to redundancy provisions for nursing staff. I am happy to advise Mr Mulcahy that, first of all, section N of the ACT public sector nursing staff agreement 2004-07 provides the full entitlement that nurses are entitled to when affected by redeployment or redundancy.

In respect of redundancy payments, a nurse is entitled to a period of notice of one month or five weeks if the employee is over 45 years of age and has completed at least two years of continuous service and payment of two weeks salary for each completed year of continuous service, plus a pro rata payment for completed months of continuous service since the last year of continuous service, with a maximum cap of 48 weeks, or 26 weeks salary, whichever is greater.

ACT nurses were commonwealth public servants prior to employment by the ACT government under the Public Sector Management Act in 1994, and the arrangements are consistent with the awards and agreements instituted and continued under the previous Liberal government. The only change since self-government is the minimum entitlement to 26 weeks, which is consistent for all ACT public servants.

Budget—community input

MR STANHOPE: Mr Speaker, in question time today, I took a question from Dr Foskey in relation to consultation with the community sector in relation to the budget. I have been advised, through a note from the Treasurer's office, that the Treasurer's office has arranged for letters to be sent to all community groups within the ACT in relation to the budget. The letter explains that submissions would be welcome between now and February, and the Treasurer's office explains, as I did, that, with the shortened budget process this year as a result of the election, timeframes are tight but we are willing to receive written submissions and willing to consult and meet with representatives, as we are able, during that time. Written submissions have been invited between now and February.

Education—staff behaviour

MS GALLAGHER: Yesterday in question time, Mr Pratt asked me how many instances of inappropriate action by staff regarding improper contact with students had there been in the past year. Mr Speaker, the Department of Education and Training takes all allegations seriously. There have been 15 investigations this year, resulting in two dismissals.

Children—Weston Creek centre

MS GALLAGHER: Mr Seselja asked me earlier in question time today about the rebuilding of the Weston Creek childcare centre. The childcare centre is in its final design stage; meetings are to be held with children's centre operators next week. Tenders for the rebuilding will be called in January 2005, with completion still expected by next year.

Disability services

MR HARGREAVES: Yesterday in question time, Dr Foskey asked about the functions recommended by the disability reform legislative working group for the Disability Services Commissioner and the government's response to each of those recommendations. The government has provided a detailed response to the working group's recommendations concerning the Disability Services Commissioner in section 3 of the government's position paper on the system of statutory oversight in the ACT, titled *The right system for rights protection*. This paper was tabled in this place in August 2004 and is available on the Department of Disability, Housing and Community Services website. Further details on the proposed functions of the Disability Services Commissioner are provided in section 1 of this paper and I would draw your attention to this information in response to the question.

I would like to clarify for members a comment I made yesterday in this place, just to clear the record. Yesterday I indicated that the Disability Services Commissioner would be responsible to the Chief Minister as part of the Human Rights and Service Review Commission. The Disability Services Commissioner will actually report to the Attorney—General. I mentioned the Chief Minister, but it will be the Attorney-General.

Papers

Mr Stanhope presented the following papers:

Ministerial travel reports—

1 April to 30 June 2004.

1 July to 30 September 2004.

ACT Criminal Justice—Statistical Profiles—

June Quarter 2004.

September quarter 2004.

Commissioner for the Environment Act 1993, pursuant to subsection 19 (3)—
Commissioner for the Environment—State of the Environment Report 2003 (Fifth
Assembly)—Government response, dated September 2004.

Cultural Facilities Corporation Act 1997—Cultural Facilities Corporation, pursuant
to subsection 29 (3)—Quarterly report—Fourth quarter 2003-2004—1 April to
30 June 2004.

Secondary student alcohol and drug survey Paper and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following paper:

Substance use and other health-related behaviours among ACT secondary students—Results of the 2002 ACT secondary student alcohol and drug survey, dated November 2004.

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

Leave granted.

MR CORBELL: Mr Speaker, I am very pleased to table the report *Substance use and other health-related behaviours among ACT secondary students*—the results of the 2002 ACT secondary student alcohol and drug survey. The secondary student alcohol and drug survey is conducted nationally every three years and the ACT participated in the survey in 1996, 1999 and 2002. The 2002 survey polled ACT students between 12 and 17 years of age on their use of tobacco, alcohol and other substances, including illicit substances, some protective behaviours, nutrition and levels of physical and leisure time activity.

Mr Speaker, a preliminary report on results from the 2002 survey, which focused on alcohol and tobacco use by secondary students in the ACT, was released in September 2003. The results suggested that there had been a significant decrease in current smoking rates in recent years, whilst alcohol consumption had remained relatively constant, with about 8 per cent of students reporting harmful levels of consumption. These results are very similar to national results. This latest report suggests that there has been a significant reduction in the levels of illicit substance use by secondary students in the ACT in recent years. Again, these results are very similar to national results.

Although the trends are encouraging, and most students who have used an illicit substance appear to be experimenters rather than regular users, the results also suggest that 7.6 per cent of students had used cannabis in the week before the survey. In addition, while needle use was not common among ACT students, 41 per cent of students who had ever used a needle to inject an illicit substance had shared a needle with someone else. The survey results also suggest that students in 2002 were less likely to engage in some protective practices than students in 1996 or 1999, and only a minority of ACT students met national nutrition and physical activity guidelines.

Clearly, we have to remain vigilant in our efforts. We cannot afford to become complacent. The government acknowledges the issues revealed in this report. We can use this information to tailor our education and prevention programs and make them more relevant to our students. Currently, our schools are working within the health promoting schools framework to address health issues in partnership with parents and carers, other agencies and the broader community. This is the most effective health promotion and prevention strategy.

We have awareness programs about illicit substance use in our secondary schools. In addition, our schools and community-based youth services have a range of programs aimed at helping young people with problematic drug use. We have also funded new initiatives, within both the health and education sectors, to combat childhood obesity and to promote physical activity and healthy eating among children and young people.

I encourage members to read this report. It provides an excellent overview of substances trends and other health-related behaviours among secondary students in the ACT.

Uriarra Village Papers and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): Mr Speaker, for the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to section 132—Public Environment Report—Uriarra Village—Blocks 5 and 78 Coree—
Public Environment Report, dated November 2004.
Consultation Report, dated November 2004.
Evaluation Report, dated December 2004.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, pursuant to section 132 of the Land (Planning and Environment) Act, I am now tabling, for the information of members, the public environment report for Uriarra Village, together with my evaluation of the report as required by the land act.

Members will be aware that Uriarra Village was substantially destroyed by the bushfires of January 2003. Prior to the fire, there were 23 houses at Uriarra Village managed by ACT Housing. Only six survived, of which one is currently uninhabitable.

The proponent for this development is the shaping our territory implementation group in the Chief Minister's Department. Members will be aware that the government has made a commitment to provide an opportunity for all former residents to return to Uriarra Village. The shaping our territory implementation group, or SOTIG, has developed an option that includes the expansion and redevelopment of the village.

This option enables the use of existing infrastructure and allows all previous residents the opportunity to return to their homes at no cost to the ACT community. At the same time, it provides an opportunity for the proponent to demonstrate the application of the government's sustainability principles and develop a vibrant social mix of public and private housing, with innovative house design and new concepts for self-governance.

A preliminary assessment for the proposed rebuilding and expansion of Uriarra Village was prepared in June 2004 and was the subject of public consultation. The trigger for the preparation of the PA was the proposal to vary the territory plan's land use policy from plantation forestry to rural. This change to the land use policy is a prerequisite for enabling the development to proceed.

My delegate considered the content of the preliminary assessment and the comments received. On 26 July this year, my delegate determined that further assessment of the proposal's environmental impact was required. In accordance with section 123 (1) of the land act, the proponent was directed to undertake further assessment in the form of a public environment report, or PER. On 6 August this year, my delegate provided

further direction on the form and content of the PER in accordance with the requirements of section 120 and 123 (2) of the land act.

The main issues requiring further assessment related to the proposals for the potable water supply, sewage disposal and bushfire management. In addition, the proponent was directed to provide further information on issues relating to waste management, transport, site contamination, energy use, social and economic impacts and ecological impacts. The proponent was directed to undertake a hydrogeotechnical assessment to demonstrate that the soil conditions and block sizes could accommodate all the proposed water cycle practices. Of particular concern was the quantity and quality of any discharge to Tarpaulin Creek, which drains directly into the Murrumbidgee River.

The proponent engaged GHD Pty Ltd to undertake the hydrogeotechnical investigation and the assessment of ecological impacts, including weed management. Coffey Geosciences Pty Ltd was engaged to undertake an environmental site assessment that included analysis of site contamination and recommended remediation.

The PER has revealed several issues that will require further consideration at the development application stage and I have made several recommendations in this regard. These relate to the treatment of rainwater for a potable water supply, the precise sewage disposal system to be installed, site remediation, waste management and the management of bushfires and ecological impacts. None of these issues is insurmountable, but they require further technical investigation and analysis.

A number of options have been identified and it will be the responsibility of the developer who will be appointed by the Land Development Agency to undertake this further work. I have recommended that all issues must be resolved to the satisfaction of the relevant government agencies as part of the development approval processes.

In the meantime, the PER has provided sufficient information to enable the proposed variation to the territory plan to proceed to the statutory approval process. I will now refer the variation to the planning and environment committee of the Assembly for their advice and recommendation. In due course, of course, the committee will table its report in the Assembly for members to consider.

The PER and evaluation report will now be placed on public exhibition. They will be available from Monday, 13 December for a two-week period at ACT government shopfronts and libraries and on the ACT Planning and Land Authority's website. Notices have been placed in the legislation register and in the *Canberra Times*. In my opinion, the public environment report has been prepared in accordance with division 4.3 of part 4 of the land act and with the relevant directions under this division.

With the tabling of the public environment report, the government will proceed to place before the Legislative Assembly the statutory planning changes required under the territory plan in the near future. The shaping our territory implementation group will also work to obtain the National Capital Authority's approval to the development control plan. This is a key step in completing statutory planning requirements for Uriarra Village. It is anticipated that this approval will be obtained before Christmas.

The lead-up to Christmas will also mark the completion of another significant step in returning the residents of Uriarra to their home. Later this week, the expressions of interest for the sale and redevelopment of the three rural villages at Uriarra, Stromlo settlement and Pierces Creek settlement will close. Early next year, the official tender process will commence. The final approval stages for construction of world-class, sustainable villages are in progress, with every expectation of substantial construction commencement during 2005.

Canberra Hospital—clinical governance arrangements Paper and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following paper:

The Canberra Hospital—review of clinical governance arrangements—final report, dated December 2004.

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

Leave granted.

MR CORBELL: Mr Speaker and members, for your information, I have tabled a report titled *Final report of the review of clinical governance arrangements at the Canberra Hospital*. This review of neurosurgery services currently being provided by the Canberra Hospital is overwhelmingly supportive of the service.

The review found that the neurosurgery unit at the Canberra Hospital delivered a safe, high-quality service to the people of the ACT and associated regional New South Wales. Furthermore, when compared with the quality in Australian healthcare study data, the adverse event rate in the neurosurgery unit has been shown to be better than the national average recorded at that time. In other words, the occasion of adverse events is lower than the national average.

The review of neurosurgery services at the Canberra Hospital was announced as part of the ACT government's response to the Patterson report into adverse patient outcomes of neurosurgical services provided by the Canberra Hospital, which was tabled in the Legislative Assembly in December 2003. As the Patterson report drew no specific conclusions regarding the standard of practice in the neurosurgery unit, I requested a review of clinical governance at the Canberra Hospital. This included a retrospective case audit to assure the ACT community of the current standard of care provided by the neurosurgery unit.

The case reviewers, under the lead of Dr Ross Wilson, reviewed the clinical records of patients treated by the neurosurgical service during the financial year 2002-03. The report I have tabled today documents the findings of the review of clinical governance. In summary, and importantly, the reviewers have found the ACT to have a safe neurosurgery service. We are pleased to see that the changes in clinical governance under way at the Canberra Hospital will go a long way to meeting many of the significant recommendations in the report.

ACT Health is committed to a high-quality neurosurgery service and this report will contribute to both neurosurgery and general hospital servicing treatment. The report makes 11 recommendations, the majority of which have been agreed to in principle, while others are being investigated. Many of the recommendations have been pre-empted or anticipated in clinical governance changes already under way or currently being implemented at the Canberra Hospital.

The review was led by external experts in case review and clinical governance. The team consisted of Dr Bruce Barraclough of the Royal North Shore Hospital and chair of the Australian Council for Safety and Quality in Healthcare; Dr Michael Fearnside of Westmead Hospital; Ms Jodie Cooper of Princess Alexandra Hospital; and Dr Ross Wilson, Royal North Shore and lead researcher in the quality in Australian healthcare study. The brief to the reviewers was to identify standards of care in neurosurgery and a system of clinical governance in the ACT and then to identify opportunities for further improvement.

Concurrently, a retrospective case review of patients under the care of Dr Newcombe was conducted. The purpose of this review was to determine whether any patients of Dr Newcombe required further care. This review identified one additional case not known to ACT Health. This person was offered a review and accepted a consultation with an independent neurosurgeon.

As a completely separate activity, an independent neurosurgeon addressed the ongoing care needs of patients identified by response to the hotline. The independent neurosurgeon reviewed case notes in relevant investigations and assessed patients in consultation where necessary and arranged ongoing care needs if required.

I would like to thank the neurosurgeons at the Canberra Hospital for their patience and cooperation during what would have been a difficult time for them and congratulate them for their affirmation of the continuing high standard of care and professionalism. I also thank the staff at the Canberra Hospital for their patience and cooperation during what would have been a difficult time and congratulate them also for their continuing high standard of care and professionalism.

Paper

Ms Gallagher presented the following paper:

Community Services and Social Equity—Standing Committee—Report—“*No longer just a number*”—*youth services provided at the Adolescent Day Unit* (presented 30 March 2004)—Government response, dated August 2004.

Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations—portfolio responsibilities **Ministerial statement**

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial

Relations) (3.48): I ask for leave of the Assembly to make a ministerial statement concerning my portfolio responsibilities.

Leave granted.

MS GALLAGHER: I thank the Assembly for the opportunity to outline this government's priorities and to provide to members of this chamber and the ACT community details of the Labor government's agenda to provide for a fair and prosperous territory.

In my portfolios of education; children, youth and family support, women, and industrial relations the ACT Labor government will be continuing its strong agenda, including guaranteeing fairness and equity in education, improving standards of care for children and young people, developing effective programs to address the disadvantage of women, and implementing a progressive and responsible agenda of landmark industrial relations reform.

The government will work towards these goals, bringing the community with it, and responding to emerging challenges as they arise. As the government outlined in the Canberra plan and in the social plan, it is the task of government in this territory to be the great leveller, to ensure that all share in the community's wealth and prosperity and that we live as a safe and harmonious community.

On its election, the government committed to an open and accountable government and a strong, reforming policy agenda based on extensive community consultation. The ministerial statements presented by me and my colleagues are a continuation of both those commitments to the people of Canberra. The government has secured the trust of the people of Canberra for a second term, with a historic majority, and we are pleased to outline to this chamber the work which will be progressed in our areas over the next year and into the next four years.

The Canberra plan outlined this government's direction in education, with a distinct vision shaped through strategic planning. It provided the basis for the election commitments we presented to the people of Canberra and it will provide the basis for our actions. The social plan outlined three important areas for government action in education: increasing literacy and numeracy levels; reducing inequality in the early years of education and improving transitions between home, early childhood settings and kindergarten; and improving transitions between school, further study and the work force. The government will be addressing all these policy areas with new initiatives which will improve the education sector and build greater participation for teachers, parents, children, young people and school communities involved.

The government has outlined its commitment to public education throughout the last term of government. Public education is the cornerstone of any fair and just society. In Canberra we have some of the country's best schools and teachers and our public education system is the envy of other jurisdictions. Innovations in curriculum are combined with excellent resources and engaged school communities, underpinned by a values system which promotes high achievement for students as well as respect and tolerance for others. This government will maintain our public schools as important community assets and not allow them to be pilloried and attacked for political advantage.

This government will continue to value public schools as a leading part of our strong and cohesive community.

The government believes that a quality education means recognising need and addressing inequality in terms of outcomes and ability to participate in a meaningful educative process. This government rejects generalised funding rationale for the education sector and instead promotes needs based funding to produce real improvement for students at school, in their communities and in learning environments in the home.

The ACT government is committed to provide fair funding and support to the entire education sector. We support non-government schools to continue their important role in the education community and to provide essential services and support to the sector to ensure that it remains vibrant and in touch with community expectations.

The ACT government is committed to building on the strengths of our public education system and the education system as a whole to ensure that we continue to have the highest quality education and training system in the ACT. We will do this through a realistic appraisal of our strengths.

As minister for education, I have the highest respect for the work that ACT teachers perform in their everyday roles and also in the extracurricular activities they perform in sustaining school communities. It has been the explicit policy of this government to see this hard work recognised in improved wages and fair conditions of employment. We value teacher professionalism and have provided the resources to support continuing professional development and innovation. We have done this particularly through the provision of quality ICT programs for teachers and through new teacher resources like the centre for teaching and learning.

The government has achieved many firsts in education in the territory and it has worked hard to restore needed funding and services to the sector. The largest ever increases in education funding have been achieved by this government. We intend to see this major investment in the education sector as a whole continue and be reinforced by specific initiatives.

One initiative, which the government has now presented to the people of Canberra, has been the expansion of preschool services for the families of Canberra, with an additional 1.5 hours per week, raising the level of preschool education to 12 hours per week. This major investment in early learning complements our investment in the first years of school learning, with lower class sizes now a reality across government schools. This investment in preschool education will continue to better effect a successful transition for children from preschool into primary school. It will be greatly facilitated by the development of the preschool strategic plan, which will reassess the delivery of preschool education in line with current pressures on families.

This government has committed to making high school education a priority over the next four years. Investment in new student support options will be at the heart of this renewal process, improving the resources available to steer students through what can be a difficult time for some. New teaching resources will be available and integrated to support the existing work of school counsellors and the new youth workers in ACT government high schools. We are also investing in vocational education and training in

high schools, enabling students to access vocational experience at an appropriate time in their lives and to consider all educational options for later life. This will complement our already existing student pathways program and training pathway guarantee.

The innovation will continue as we meet the challenges of a growing and dynamic territory. The ACT government will continue to manage school resources as part of its commitment to a fair community, which benefits all Canberrans. We are preparing to meet the changing needs of the community as a part of this commitment.

We will see continued demand for schools in new urban areas, such as Gungahlin. The new Amaroo school is now a recognised leader in design and environmental standards, complementing its excellent educational resources. These new state-of-the-art schools are much needed and also provide valuable facilities to the local community. The government will continue to investigate innovative arrangements, such as joint campuses and strategic relationships with the community and other educational providers in our growing areas.

The government continues to improve school facilities, ensuring that a quality learning environment reinforces effective teaching and learning. We are committed to improving the physical infrastructure at Canberra's schools, to ensure that every student is able to learn in the best environment, and we are committed to continuing improvements to essential ICT technology. The government has already invested heavily in ICT infrastructure for ACT schools. Initiatives in the last term in government, like school broadband connections, will be reinforced through the introduction of the latest technologies for all students.

Our emphasis on teacher professional development translates into better IT skills and services for the education sector and its application to the classroom. We continue to value equity in access to ICT systems, through newly developed IT standards for schools and through our support for ICT in the non-government sector.

The commencement of the Education Act 2004 on 1 January 2005 will form the basis of a modern education sector that is able to meet the needs of schools and school communities. The Education Act 2004 enshrines the right of every child to a high-quality education and emphasises the partnership of parents and government in the education of children. The Education Act recognises explicitly that the educational care of children is the responsibility of all of us.

The work through the Education Act continues to be complemented by the ongoing process of curriculum renewal. The curriculum renewal process we began in 2003 continues to be progressed with widespread consultation through which we aim to help schools build on existing good practice and to provide a quality curriculum for all students.

The curriculum review will be complemented by a review of our flagship college system. Students, parents and teachers all value the ACT college system. The ACT government intends to undertake the first modernisation of college education since it was established in the 1970s. We will do this to ensure that our colleges remain relevant and best able to meet student needs.

The government will continue to provide additional resources to indigenous students and school communities and to students with disabilities. For our indigenous students, we are continuing to work to improve learning outcomes and to engage their interest. Literacy and numeracy rates for indigenous students in the ACT are among the best in the country, but more can be done. We want, and Canberra as an entire community expects, that indigenous students will have outcomes equal to those of their non-indigenous peers. As part of our work towards this goal, the government will be providing increased support for indigenous early childhood education. This work will see improved literacy and numeracy outcomes and recognises that achievement in the early years of schooling has a major impact on retention and attainment in later years.

For students with disabilities, the government is increasing funding and services to meet the complex needs of a growing number of students. The implementation of the student centred appraisal of need in both the government and non-government sector will allow us to more fully understand and resource the learning support needs of children who have a disability.

The government continues to value the CIT as the premier public training institution in the ACT and surrounding region. The CIT is an essential part of our public education system. We will continue to value the work of the CIT in ensuring that Canberrans, young and old, are given the opportunity to learn skills and vocations and improve their life skills.

Work in the high school and college years to provide people with information and early vocational skills is needed to meet what is now recognised as a national skills shortage. The ACT government continues to actively address skills shortages with new and innovative programs. In the previous term we were responsible for introducing major initiatives like Skilling ACT and the training pathways guarantee. In this coming term we will work to improve on training options for older Canberrans, with a strong emphasis on the updating of skills and on retraining.

The ACT government will work progressively to implement these initiatives and vision over the coming year and over the next four years. We will always prioritise, providing the best for children and young people in the territory, with a strong emphasis on fairness and equity in the distribution of funding and resources. We fundamentally believe that a quality education provides children and young people with a fair start to life and the ability to achieve their full potential. Our public education system is central to that goal, as are the valued teachers and school communities which support it.

Education policy has been one area where the government has consistently delivered good outcomes to the children and young people of the territory. This was the case in the last term in office, and it will continue to be so over the next four years. The government invested considerable time and resources in listening to children about their views and priorities. We also invested resources into identifying where problems existed, in areas like child protection and child safety.

The future development of improved services for children, young people and families will be guided by the successful implementation of the children's plan, the young people's plan and the government's responses to the *Territory as parent* report and the

related *The territory's children* report. These documents together represent the most systematic investigation into the issues facing children and young people in family life and in their communities, and the specific issues of children who are in care.

The government will be working to implement the outcome of these inquiries, always including children and young people in the decisions that affect them. Over the coming four years, we will be judged on our success in implementing our commitments. We will be judged on the integrity of the child protection system in the ACT, on how we effectively strengthen opportunities for all young people in the ACT; whether we successfully introduce improved mechanisms for the participation of children and young people in decision making; whether we are able to improve outcomes for young people who come into contact with the youth justice system; and whether we are able to improve the situation of indigenous youth who are involved in the juvenile justice system. The ACT government will be working to ensure that improvements in all these areas are substantial and that we make a real difference to the children and young people involved.

It is now clear that all jurisdictions in Australia are experiencing problems in dealing with the situation of children in care, and the ACT has been no exception. I believe that we are well on the way to effectively reforming the child protection system here, and the work already done is seeing improved public awareness of the issues associated with child protection, improved government services, increased funding and more child protection workers out there in the community working very hard to improve the safety and wellbeing of children at risk.

In August this year, I tabled the implementation strategy of the *Territory as parent* report. The government response to the Vardon review has been quick and comprehensive, and the positive work is outlined in this document. We have committed to developing high-quality standards of care and protection services for children and young people at risk that are culturally appropriate, child focused and developed in partnership across the care and protection sector. As a part of this process, the government has committed to building a comprehensive continuum of early intervention and prevention services from birth to age 18. The immediate priority is to expand services that target those children and young people most at risk of entering the care and protection system.

The government has already begun work to ensure that the system is improved, with the allocation of an extra \$68 million already committed to child protection over the next four years. The additional resources will allow the largest overhaul of the child protection system in the ACT. The significant investment of funds in the area represents this government's commitment to children who are at risk and is the single largest investment of funding into programs to assist children at risk and children who are in care.

Through the hard work of all involved, we are seeing an enhanced partnership between government and community sector agencies, improving caseloads and professional development, increased support for foster carers with expanded out of home care options, and a strengthened system of accountability measures and governance arrangements, including the soon to be created commissioner for children and young people.

The government is committed to seeing a new and independent commissioner for children and young people. This new position will report directly to the Attorney-General and is currently the subject of public consultation over the form and scope of the position. The achievements in child protection and children's services more generally are noteworthy, but more remains to be done. The goodwill extended by the community stakeholders has been exceptional and all who have been involved in this process appreciate their continuing engagement. Particular credit and emphasis must go to the staff of the new Office for Children, Youth and Family Support for their work to recruit new staff and manage an effective transition.

The government will continue to promote the needs of women so that all women can engage as community members in the debates and discussions of the next few years. In terms of working to improve the status of women in the ACT, this government has prioritised the needs of women and implemented effective reforms and assistance.

The government did the groundwork by immediately setting up a committee to inquire into the status of women in the ACT. We used the outcomes of that inquiry to formulate our policies in the last term, and we are continuing to make real progress. We have a women's plan that will guide us for the future. This plan seeks to provide a framework through which to focus strategies aimed at improving the quality of life for all women and girls.

The six priority areas detailed in the plan are: representation and recognition; good health and wellbeing; responsive housing; safe inclusive communities; economic security and opportunities; and flexible education and training. Through this plan we have given the issues relating to women the serious consideration and action they deserve, and we have promised to continue that hard work in this term of government.

In the area of representation and recognition we have introduced a new women's grants program. The program provides financial assistance to individuals and groups for the development of activities that improve the status of women.

In mid-December I will be launching the ACT women's honour roll. This project provides an opportunity for recipients of the past three International Women's Day awards to tell their stories. The honour roll will further acknowledge women in the ACT community and inspire others. This will be an ongoing commitment from the government.

The government committed in its election promises to an undertaking to hold a women's summit every two years in Canberra. This summit will aim to bring together women from different backgrounds and with different experiences, along with experts, to discuss current issues affecting women and women's participation with society—issues such as balancing work and family, violence, housing and crisis accommodation, economic security and health, to name a few. These summits will encourage ACT women to provide input to the government's agenda and future policy directions for women in the ACT.

We will continue to work to increase the availability of affordable housing for women. The government will continue to provide appropriate support to women escaping

violence, and undertake an analysis of early intervention and education programs for the prevention of violence against women.

Economic security remains an essential area for government action in relation to women. The government in this term will pursue a range of initiatives which will build opportunities for women and provide economic independence and autonomy. We will develop measures to support women's financial decision making throughout their lives and assist women to address issues that impact on their financial security, both short and long term.

Through the annual women's action plan we will continue to outline the government's programs in place to support flexible education and training. The areas of focus will include supporting young mothers to continue with or re-engage in schooling, providing skills for older workers, and developing strategies to support women in vocational education and training.

As the Minister for Women I am committed to ensuring that we continue to raise the status and increase the participation of women. We will continue to do this through the structures we have created, the Ministerial Advisory Council on Women, the Indigenous Women's Circle, and through the ACT community as a whole.

Work and family issues are now a part of the mainstream political agenda and an essential part of any progressive political agenda. This government has led the way in pursuing work and family policies in both public and private sector work forces and also through integrated community services which can improve the ability of mothers, fathers and families to manage competing priorities and workloads.

In the public sector, the ACT has led the nation in providing maternity and carer leave and improved part-time and purchased leave options. These reforms to the ACT public service have two benefits which demonstrate the value for employers in addressing the work and family collision. In the ACT public service, improved work and family conditions add to the ability to recruit and retain valued staff, with access to improved conditions rating highly in staff priorities. They also make for happier and more productive staff who feel they have a genuine stake in a cooperative work force. These are benefits which other employers must become aware of, as employees continue to promote work and family issues in the workplace and through the political process.

The government has already begun to take our work and family agenda into the private sector, and this work will continue in this term. In the last Assembly, the government implemented the Payroll Tax Amendment Bill, which allowed employers to access payroll tax reductions if they implemented paid maternity or carer leave provisions in their workplaces.

This new term will allow the government to begin the work of implementing its election commitments in this area. We will be introducing two new grants programs. One grants program will be targeted at women who are returning to the work force and the other will be a pilot program of grants for private sector businesses and community groups to convert to more family-friendly work practices. We will also commence a pilot study into work-based childcare options, to further add to the options available for working

families. The government's commitment to integrated services for parents and their children will continue through the child and family centres model.

In a community the size of Canberra we have an opportunity to provide better workplaces that are productive and address core issues of social responsibility like the provision of care for older relatives or the raising of children. Through the government's work, I am confident that employees and employers will become active advocates for work and family policy changes and implement them in practice.

Our continuing progress on work and family issues has been achieved across a number of portfolios. However, it is through industrial relations changes that many people have seen the active work of the government in addressing this issue.

The Stanhope government has ensured that employers and employees in the ACT operate in a cooperative and responsible work environment and that the industrial confrontation and abrogation of responsibility by government are a thing of the past. We have provided policy direction for industrial relations in the ACT to support economic growth, job creation and fairness and equity in employment.

The federal government has announced plans to introduce legislation to reduce the rights and protections of workers. This government will respond to ensure that workers in the territory, particularly vulnerable workers, are not disadvantaged or treated unfairly. Our reform agenda in the past term was progressive and considerate of community expectations and stakeholder interests. We will continue this tradition into this term and we will not shy away from difficult industrial issues.

In the last term, landmark law reform in occupational health and safety accompanied our industrial manslaughter laws, ensuring that the legislative framework for safe workplaces was effectively improved. Our changes to the Crimes Act and the OH&S Act have given people increased certainty; but there remains work to be done in the field. The OH&S council, a tripartite body, is continuing its review into the OH&S Act.

The act will be supported by new regulations to ensure that workplace safety is enforced. We will be maintaining a strong compliance and enforcement focus through ACT WorkCover, utilising the range of new compliance tools available including compliance agreements, enforceable undertakings, prohibition and improvement notices, and prosecution for OH&S breaches. We will also continue to modernise workers compensation laws to improve compliance and, where possible, reduce premiums for employers while ensuring that injured workers receive fair benefits on injury and proper support to get back to work.

In implementing changes to the law, the consultative approach we developed in the first term will continue. We have engaged with all stakeholders in industrial relations on every piece of policy this government has introduced. With the formation of the peak Industrial Relations Advisory Council, we further developed these processes. The views of all participants in workplace and industrial reform are welcome in the development of sound industrial legislation.

Over the coming year we will begin the task of assisting the community sector to grapple with its significant industrial issues. Through the work of the community task force and a

dedicated community sector industrial relations project officer, the government will begin the difficult task of addressing issues in the sector in active partnership with community organisations, peak councils and unions.

The ACT government is engaged in an important and sensitive process which began late in the last Assembly. In August an important debate was held in this chamber on the use of asbestos in residential, commercial and public settings and the potential risks that damaged or poorly maintained asbestos products can pose to trades people, home renovators, occupiers and owners and, in fact, the general public. The amendments to the Dangerous Substances Act 2004, ultimately passed by the Assembly, reflected the priority placed on these issues.

The proactive approach of the government and the Assembly is essentially about awareness, education and safety for the future. But we all should be well aware that this is groundbreaking legislation, posing very significant challenges in implementation, which are well recognised by industry and community and government.

A new ACT asbestos task force, with its wide representation of interest groups, is already working on these issues with the support of eminent experts in the field who are being engaged. The task force will be progressing as soon as possible with arrangements for a field survey and a community awareness program, and will be looking closely at the new provisions to ensure that they are workable and practical. I expect that there may well be some need to clarify the provisions to be consistent with the intent for graduated introduction provisions in parallel with community awareness and task force investigations.

The work of the ACT asbestos task force represents a very important long-term investment in community safety. It certainly deserves the ongoing support of this Assembly, as it is likely to have its greatest benefits to the community in years to come, as future generations deal with Canberra's ageing building stock.

The ACT government has been re-elected on its merits and in recognition of our priorities. The majority of Canberrans believe that only this government can provide the effective representation and the services wanted by the Canberra community, and the leadership and responsibility necessary to see this community grow. As a minister in this government, I will work to ensure that the government remains in touch with the grassroots of the Canberra community and that we continue to implement sound policy which progressively works to restore dignity and a fair go to all Canberrans.

In all the portfolio areas I have outlined today, the government will continue to promote these values, which I believe the majority of Canberrans support. We will do so modestly, but we will stick by our agenda because we believe it to be right, and we believe our policies and programs will assist Canberra to continue to grow and develop and prosper into the future. I present the following paper:

Portfolio responsibilities—ministerial statement, 9 December 2004.

I move:

That the Assembly takes note of the paper.

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

**Minister for Disability, Housing and Community Services,
Minister for Urban Services and Minister for Police and
Emergency Services—portfolio responsibilities
Ministerial statement**

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.15): I ask leave of the Assembly to make a ministerial statement concerning my portfolio responsibilities.

Leave granted.

Mr Temporary Deputy Speaker, it is a great honour to deliver my first ministerial statement today. I would like to take this opportunity to thank the people of Brindabella and my caucus colleagues for placing their trust in me to take on this new role. I would also like to place on record my appreciation and admiration for the work of the previous minister, Bill Wood. I recognise that I have very big shoes to fill, and am looking forward to the challenge.

The portfolios of urban services; disability, housing and community services; and police and emergency services are at the front line of service provision for the people of Canberra. I am pleased to advise the Assembly this afternoon of the government's priorities in these areas. I do not need to convince anyone here that Canberra is the best city in the world to live in. We have a beautiful city that affords our residents a great quality of life. Our open spaces, parks and bushland make Canberra unique and a great place to live. The government is committed to keeping Canberra beautiful and encourages all Canberrans to join us in this task.

The government has a range of priorities in the urban services area to further enhance the level of amenity in our city. Firstly, work has commenced on forward design and preliminary assessment works for the construction of the Majura Parkway. \$1.5 million has already been allocated for this work as part of the 2004-05 capital works program, and it is expected that this preliminary work will be completed by the middle of next year. This road will improve transport options for the citizens of Gungahlin to Canberra's east, particularly Fyshwick and the airport. It will also improve freight access from these areas to the Federal Highway, and access to other areas within the capital region.

Secondly, recognising that infrastructure in many of our older suburbs is starting to show its age, Stanhope Labor has committed to expanding the territory's footpath maintenance program by \$4 million over the next three years. This initiative will commence in 2005-06 and boost the capacity of the department to maintain Canberra's footpaths. This increase in funding is over and above the \$3 million being spent on footpath maintenance in 2004-05.

Canberra's sportsgrounds and urban parks have been badly affected by prevailing drought and associated water restrictions. It has been estimated that, over the past couple

of years, 60,000 to 80,000 urban parkland shrubs—and large areas of sportsground vegetation—have died as a result of the drought. The Department of Urban Services has commenced planning work for the restoration of the many key horticultural and community assets, including sportsgrounds, which have been damaged by the ongoing drought. Of course, the early commencement of this restoration work depends on the easing of water restrictions, but I am confident that we will have the plans in place to commence work as soon as we see such a change.

Another result of the ongoing drought and the ageing of urban trees is the need to reintroduce a cyclical tree maintenance program in addition to the current reactive tree maintenance work. The government has committed to providing funding of \$1 million per annum to this maintenance program. The Stanhope government is also committed to the greening of Gungahlin. We have committed \$2.5 million over four years for important work such as replacing failed trees, removing and replacing unsuitable trees, pruning programs and utilising improved planting techniques.

Delivering on our Canberra social plan priorities, the government will make \$1.5 million available over a five-year period to revitalise the ACT public library's collection of materials. This work will involve auditing the current state of the collection, identifying the improvements required to bring the collection to an appropriate benchmark and maintaining that standard.

We are also very proud of the territory's literary history, and wish to maintain an historical collection of books published in the ACT. Therefore, to complement the revitalisation of the ACT public library's collection, I have asked my department to examine legislative options to enable all new books published in the ACT to be made available to ACT public libraries.

Another of our important library election commitments was the establishment of a community advisory body for libraries. Our intention is to provide a structure for community input to the direction and priorities of the territory's public libraries. Work has already commenced on possible options, including terms of reference, with a view to having an advisory body in place by 1 July 2005.

The government is also committed to providing a fun and challenging environment for children and, consistent with the ACT children's plan, we are looking at options to further upgrade the territory's playgrounds. The Civic pool is one of Canberra's iconic public facilities, providing a valued recreational facility to the rapidly growing residential population in the city area and city office workers. The government understands the need to upgrade the Civic pool facility in the near future. As such, we have started work on the feasibility and cost of refurbishing and upgrading the facility.

Additionally, I have asked my department to conduct a review that would determine the best way to provide benefits, such as the possible introduction of lower registration fees, to the owners of fuel-efficient vehicles—something that I know is dear to the heart of Mrs Dunne. This initiative would be consistent with the government's objectives enunciated in the sustainable transport plan for the ACT. The review will include key stakeholders from within government, such as the Office of Sustainability, Environment ACT and Treasury. These priorities will help to ensure that Canberra's facilities and the

urban landscape stay at an extremely high quality. But there is more to a city than just this: the people who make up our community make Canberra the great city it is.

In taking on the role of Minister for Disability, Housing and Community Services I will be working toward a harmonious and productive relationship between the government and the community. The creation of a broad-ranging human services department provides significant opportunities to tackle entrenched issues of concern across the areas of community services, housing, disability, therapy and family services. It enables a coordinated approach to the critical areas identified in the Canberra plan and the Canberra social plan, with specific actions and targets to be met to improve the lives of those people experiencing disadvantage. The government's priorities in this area are:

- respecting diversity and human rights;
- enhancing our strong, safe and cohesive community;
- improving health and wellbeing; and
- developing housing for a future Canberra.

There are many challenges in the portfolio but the government's major focus will be on more effective management of:

- children and young people with complex needs and challenging behaviours;
- coordinated service responses to families in crisis;
- multiprogram responses to locations or issues of concern relating to poverty, disadvantage or disconnectedness;
- a more holistic engagement with the community services sector, given that almost 70 per cent of non-government human services will be funded through the one department;
- a stronger linkage between community engagement policy and community service delivery;
- consistent approaches to the management of community facilities, across childcare, youth centres, community centres and neighbourhood houses; and
- effective integration of issues for people from culturally and linguistically diverse backgrounds, across human services programs.

The government recognises and respects the harmonious cultural and ethnic diversity of the ACT community. We have had some great achievements in this arena with the development and launch of *Facing up to racism: A strategic plan addressing racism and unfair discrimination*; the development of a new service funding agreement for community service providers; the funding and development of a multicultural centre; and the 2004 national multicultural festival, with planning for a bigger and better 2005 festival now well advanced.

In the coming term we will:

- develop a charter of multiculturalism to redirect and revitalise the spirit and purpose

of multiculturalism in the ACT, by affirming shared rights and responsibilities while recognising and celebrating our differences;

- establish a multicultural heritage program to identify significant historical achievements by migrants to Canberra, to be recognised by plaques, in print or on a specifically designed website;
- establish a refugee settlement service program that coordinates these activities across government agencies and with community groups; and
- develop an ACT languages program that welcomes the development of language skills to the business and community life of the ACT.

The government will continue its program of strong support for public and community housing. In our first term, we:

- secured an additional \$33.2 million for public, indigenous and community housing stock, of which \$20 million has been spent on the purchase of an additional 61 public housing properties, with a further \$1 million committed;
- gained continued funding for the community linkages program, which focuses on connecting public housing tenants to their communities, as well as supporting the preventing eviction program;
- constructed and opened two boarding houses, one for young people and another for older women;
- introduced a new energy concession, to include a rebate on electricity and gas costs for low income earners; and
- in 2003-04, delivered a capital works program of some \$90 million, compared to previous years where the spend was approximately \$55 million.

The challenge over the next four years is to grow and improve the sector. This will be achieved through an extra \$30 million over three years to boost public housing stock numbers; further joint ventures; reviewing Housing ACT's status as a public trading enterprise; and reviewing the home loans portfolio biannually to assess the availability of equity funds for housing.

The government is committed to ensuring that public housing is as energy efficient as possible. We will spend \$4 million on upgrading public housing to make properties more energy efficient and develop a window coverings pilot program for residents in multiunit complexes at a cost of \$150,000.

The Stanhope government is committed to the welfare of our public housing tenants and their full participation in the community. We undertake to implement the recommendations of the tenant participation project, improve client service and support networks, achieve improvement in maintenance, based strongly on the asset management strategy, and recognise tenants' skills by training tenants to work with social housing landlords, as well as assisting them to drive their own programs.

The government will continue to advance initiatives developed in its first term, including expanding the community housing sector and further developing the community linkages program supported by the provision of \$2 million over four years. It will also further

review the Residential Tenancies Act and the public rental housing assistance program, as well as maintain the debt review committee.

Homelessness is a problem that afflicts even relatively prosperous communities, such as the ACT. The government will continue to address homelessness through the allocation of \$57 million over the next four years, including \$3.2 million targeted at Aboriginal and Torres Strait Islander homelessness and \$40.8 million for the SAAP program, which is the supported accommodation assistance program; the continued implementation of the ACT homelessness strategy, including a separate process for youth homelessness; and further development of the boarding house program.

With regard to community services, the government will work with community service delivery organisations so that they are able to pay their staff at SACS award rates, including provision for safety net increases.

The government believes that people with disabilities must have a valued and productive role in our community, and we have been working to achieve that. We have implemented approximately three-quarters of the recommendations of the report of the board of inquiry into disability, with the remainder currently being addressed.

Building on the massive funding boost of \$21 million in our first term, in its second term the government will provide \$5.6 million to reduce long-term waiting lists, by replicating the services offered by Sharing Places; it will provide more support for young carers and examine other housing models.

With regard to the disability reform process and ongoing work and commitments, the government will maintain its commitment to implement the remaining agreed recommendations of the Gallop report; drive ongoing reform through the action document *Future directions for disability ACT 2004-2008*; respond to the Disability Advisory Council's biennial scorecard for people in the ACT in meeting Challenge 2014; increase resources to transition stages in peoples' lives; encourage, on a whole-of-government basis, the employment of more people with disabilities; continue to provide special needs support to clients with complex and threatening behaviours; continue funding the local area coordination model; continue the progressive implementation of person-centred planning; continue to build capacity in the non-government sector by involving NGOs in the running of more group houses, supported by an information campaign to families; and continue to fund innovation grants and the LINC project, subject to the success of a pilot.

The government recognises the need to do more for children with highly complex needs, particularly those with autism. To help these children and their parents and carers we will provide \$4 million—\$1 million each year for four years—to help meet current pressures and the demands of the future; fund a pilot program for Therapy ACT staff exchanges, or scholarships, with overseas best practice facilities, particularly in autism; and continue to develop Therapy ACT's multidisciplinary assessment team program.

Part of being proud of and happy in our city is knowing we are safe in our own homes, that our children can play at the local park without fear of crimes being committed against them and that assistance is there if a crises emerges. It is our emergency services,

such as ambulance, fire and rural fire, and our police that ensure Canberrans are free to enjoy all that the city has to offer safely.

In order to better serve the people of the ACT there has been a lot of change in the emergency services area over the past 12 months, and the government is proud of these achievements. Urban and rural fire and emergency services are better prepared than ever before to provide their services to the ACT region, and the government has a vision of creating a safer community through collaboration and excellence in emergency services. This means working together to provide the best emergency services possible to the people of the ACT.

The most significant event in the past year was the development and commencement of the Emergencies Act 2004 and, through it, the creation of the Emergency Services Authority as an independent statutory authority, reporting directly to the minister. The Emergency Services Commissioner is responsible for the overall strategic direction and management of the fire brigade, ambulance service, rural fire service and the state emergency service.

A significant change in the delivery of emergency consequent management services in the ACT is the addition of protecting the environment as an objective. The ESA has the objective of protecting and preserving life, property and the environment in the ACT. Annual funding for emergency services has increased by \$9.2 million, or 23 per cent to \$44.8 million. The ESA has set about to significantly increase staff and volunteers. These include 36 additional staff for the fire brigade; 19 additional staff for the ambulance service; and 18 additional planning, logistics, community education positions across the rural fire service, state emergency service and operational support. Funding has also been provided for an additional 200 volunteer bushfire fighters and 150 SES volunteers.

Community education has also become a priority for the authority. It has undertaken a comprehensive bushfire season media and public education campaign. We have also seen the first bushfire abatement zone created in the ACT. The bushfire abatement zone enables the ESA to intensify fuel management in particular areas to reduce the impact of bushfires in build-up areas.

The ESA has recently concluded a round of community consultation for the establishment of a strategic bushfire management plan. The consultation period began on 25 October and concluded on 3 December. The response to the consultation has been terrific with more than 4000 people accessing the draft. The plan will provide a basis for bushfire hazard assessment and risk analysis; bushfire prevention, including hazard reduction; and agency and community preparation and response in relation to bushfires.

After community consultation has been folded into the final phase it will be introduced into the ACT Legislative Assembly for adoption in time for the 2005-06 bushfire season. I am confident, because of all the hard work that has been undertaken, that the government—through the ACT Emergency Services Authority—is on the right track and is better prepared than ever before to protect the life, property and environment of the ACT.

Turning now to the policing portfolio, the overarching arrangement between the ACT government and the Australian Federal Police for the delivery of policing services is due to expire in 2005. Both the ACT government and the AFP are committed to negotiating a new agreement and discussions are already underway. During the period of the last agreement, ACT Policing has delivered services focusing on crime and safety management, crime detection and investigation, traffic law enforcement; road safety, prosecution and judicial support; and crime prevention.

Refining how crime may be best addressed in the future is a constant and important public policy debate. The government and the AFP are currently participating in a joint study to inform discussions on the matter. The government is committed to providing quality policing to the ACT. The success in delivering any police service depends on fostering greater community goodwill. Customer service and professionalism are key elements in this strategy, and are fundamental to enhancing community contact and cooperation.

In Canberra today police services need to work with other agencies and with the community to deliver reductions in crime. In a complex world, problems and their solutions have many dimensions. It is no different with the detection, prosecution and prevention of crime—solutions to crime require holistic approaches, innovative ideas and interagency cooperation.

An example of this approach is the ACT Property Crime Reduction Strategy 2004-07 called *Building a safer community*. This is an action identified in the Canberra social plan and commits the government to working to reduce the incidence of property crime, with a particular focus on repeat property offenders, by initiating a whole-of-government strategy, focusing on the offences of burglary and motor vehicle theft.

The Chief Minister launched the strategy in August 2004, setting reduction targets of 10 per cent for burglary and 25 per cent for motor vehicle theft by December 2007. A first for the ACT in terms of a whole-of-government strategic response to property crime, the strategy outlines over 70 actions, informed by evidence-based research and consultation with key government and community stakeholders. It pulls together existing programs and important new initiatives, including actions in which non-justice agencies such as housing and ACTPLA take the lead.

New initiatives include increasing security hardware for Canberrans by making it more affordable for people on low incomes to purchase security hardware for their homes and cars; promoting “designing out” crime principles; targeting young people who are on the cusp of entering the criminal justice system; and implementing rehabilitative programs designed to provide intensive support and supervision for repeat property offenders in an attempt to break the “revolving door” pattern. A detailed report on achievements under the strategy to December 2004 will be available early next year.

Police success and goodwill towards the police are essential ingredients to a safe and secure community. One recent example that springs to mind is operation Halite, delivering sizable reductions in burglaries. The domestic violence intervention program is another major achievement. It has successfully targeted a prevalent and disturbing

problem through an interagency approach, and has opened up a once relatively ignored crime to much greater public scrutiny through the legal system, with positive results for victims.

However, as the local crime scene evolves with the advent of new technologies and criminal opportunities, there will be changes in police investigative methods. New technologies offer the entrepreneurial criminal new ways to identify and create profiteering opportunities through illicit trades, and to evade detection. For community policing especially, crime in the future will also be strongly shaped by ongoing management and response to persistent social issues such as poverty, alienation and social dysfunction, and youth marginalisation.

In the future crimes like e-crime, including crimes increasingly reported in the media such as identity theft and email fraud, will continue to grow. Crimes like child exploitation and assault are also expected to continue to gain prominence. Of course, the constant threat of terrorism and the potential repercussions for all Australians will feature in debates on crime and policing in the future.

Policing into the future will not only rely on traditional skills and investigation methods but will also require the development of new tools responsive to the times. Put simply, new technologies and crime types require police and the community to become aware of new risks, adopt new forms of prevention and—specifically for the police—acquire new expertise. This represents a major challenge for all governments. This government is committed to working closely with the AFP to ensure that policing the territory is adaptive, responsive and effective.

In closing, the Stanhope government is committed to making Canberra an even better place to live. The government priorities I have outlined today in urban services; disability, housing and community services; emergency services and policing will go a long way towards achieving this goal.

I move:

That the Assembly takes note of the paper.

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

Leave of absence

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be granted to Mr Pratt for the remainder of the sitting.

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

That leave of absence from 10 December 2004 to 14 February 2005 inclusive be given to all Members.

Eureka Stockade—150th anniversary

Debate resumed.

MR MULCAHY (Molonglo) (4.42): Mr Speaker, I am pleased to support Mr Smyth's amendment presented earlier. I would like to thank Mrs Dunne for helping create the opportunity for discussion of private members' matters which she had hoped to discuss. The position of rural lessees, I think, is of far greater importance than she had thought. Indeed, I think many might regard them as Canberra's forgotten people in some respects.

In relation to Mr Gentleman's proposal, I think it is a tragedy that so often important parts of history get hijacked by the Labor Party and other groups. I have to pay some credit, Mr Speaker, to members of the Labor Party because they are clearly experts at history revisionism. In fairness, I would acknowledge that the Liberal Party has much to learn about the way they can manage to recast events. They treat failed leaders often as iconic figures to be hailed and lauded even when they have taken the country down all sorts of disastrous roads economically.

I guess one of our failings has been that we tend to stay true to history; we try not to reconstruct history. But our colleagues in the Labor Party are past masters at this task and I give them credit for that. It is amazing how well they over time can recast events, claim ownership of them and then, through particular stands on important historic events, seek to create a division in the Australian community so that something that may warrant a certain level of recognition in historical terms ends up becoming an issue of division.

I know that other state Labor governments' actions in relation to the Eureka anniversary or sesquicentenary have been cited as a cause for action and a basis for condemning the Howard government, which, of course, was recently strongly re-elected for a fourth term. But I am not sure that other state governments ought to be the basis on which we mould all of our actions.

Ms Porter, I think, has cited having a similar heritage to my own, having being born in the city of Hobart. Something that many members would not be aware of when they recast history is that it was decided to make Tasmania a settlement one year earlier. Because it was not politically correct to recognise where the European settlement started, they decided down there that they would then make the 200-year mark a year later.

Mr Corbell: On a point of order, Mr Speaker: I know that Mr Mulcahy needs to set some context for his comments, but he is well into his speech now and we are yet to hear any mention of Eureka, which is the purpose of the motion. I would ask you to suggest to him that he needs to remain relevant to the motion.

MR SPEAKER: Relevance is important in all debates.

MR MULCAHY: Yes, Mr Speaker. I was just putting the situation in context.

MR SPEAKER: And relevance will not be far away.

MR MULCAHY: Thank you, Mr Speaker. May I just take members to a look at the history of the Eureka event. I will state, to have this on the record, that it has been reported that the Eureka Stockade uprising was essentially a short-lived revolt by goldminers against petty officialdom and harassment by a corrupt police force which would often ask miners to show their gold digging licence several times a day. The miners also objected to the high cost of licences.

It is interesting, when you study the history of this event, that the revolt in fact had its roots in the killing of a miner, James Scobie, by a publican. An inquest was held but, despite the evidence of miners, no conclusion was reached about who was responsible. Instead, the miners who pressed for the arrest of the publican were taken into custody. This event sparked protests by miners who held many public meetings, and they sought to take the law into their own hands by seeking out the publican and burning down his hotel. When those responsible were arrested and imprisoned, the situation at the goldfields became explosive and expanded to cover general discontent with unequal laws and unequal rights.

Mention was made, Mr Speaker, of the presence and the relevance of the Eureka flag, but we need to recognise that it is often used as a symbol of rebellion against authority by people at the extreme left and the extreme right of the political spectrum of Australia. It has been used in marches by neo-Nazis, on the one hand, and draped over the coffins of deceased communists, on the other.

Mr Speaker, when you reflect on the history of these events, it is regrettable, as I said, that they became a matter of division in our society. The flag, which was designed by a Canadian, as a matter of historical fact, was, as many would remember, taken over by the BLF and adopted as their symbol and later by the CFMEU. It is regrettable that neither of those organisations has brought great credit to their flag, or to that flag, through their rather well-publicised actions which have been the matter of scrutiny by at least two royal commissions in this country. Indeed, sadly, many officials in those organisations bring no credit to the good people in the labour movement through the way that flag has been identified with many of their activities.

I think that the event is significant in a number of respects. I think most of us were taught about this event in school upbringing. The media this week are a bit off on the historical facts. It was one of two armed revolts in the history of European settlement; the other, of course, being at Parramatta some time earlier.

There has been discussion—and I heard the Victorian Premier the other night on television—about the significance of this event as part of the evolution of democracy in Australia. I think that that is a matter which is somewhat subject to debate. Premier Bracks, I think in his enthusiasm—and I realise he comes from Ballarat—expressed the view that the whole basis of democracy came out of this event. I think that is more than an overstatement of the circumstance, but it serves as a basis for all the promotion and so forth of this event this week.

If you look at the official site that is provided in relation to Ballarat and the Eureka Stockade, you will see that it reports the extent to which the Eureka Stockade debacle

was instrumental in precipitating change, and the extent to which change was inevitable and imminent in any case remains a point of contention.

Eureka has been adopted as a symbol not only by the left but also at times by groups of the radical right, as I mentioned earlier. The Eureka affair has been variously characterised and mythologised as the cradle of Australian democracy, and I think that is what has happened.

This enduring, if ambiguous, legacy was not apparent in Ballarat in the years immediately following the Stockade battle, and I think that is worthy of note. On the contrary, it seems that, for a generation after, the inclination amongst the officialdom and the Ballarat community alike was to forget the whole incident.

Mr Speaker, I do not in any way wish to degrade an important historical occasion, but I do question the way in which this event has been interpreted and I do question the importance being given to it as the supposed basis for democracy in Australia. I think that the developments that led towards democracy were far more complex. I am a descendant of a state minister and, later, a senator who played an important role as we worked towards creating a commonwealth system. From the extensive reading I have undertaken on those deliberations, Eureka was not cited as one of their motivations. In fact, the real issues of the day were the postal service, gambling, lotteries going through the post, international trade because the states were considering themselves sovereign states, subsidies and the granting of what powers they were going to extend to the commonwealth. They were the main issues foremost in their minds.

There are much more competent authorities than I, Mr Speaker, to speak on historical matters in the time I have available. I think it is worthy of noting what Professor Geoffrey Blainey said when he noted that nearly every political party in Britain and Australia has claimed a special link with Eureka—the Labor Party at times, the Liberal Party, the now defunct DLP, the Nationals, communists, republicans, the multiculturalists.

He goes on and talks about the fact that the goldminers were demanding a fair go, and it was a powerful democratic movement with genuine grievances. He said that governments of the day did not listen attentively enough and did not act quickly enough, and there is a lesson for modern governments today. Whilst I do not condone violence, there is a message about the reaction of groups when you have excess regulation and overzealous governments in terms of applying taxation and removing the freedom of people who are self-employed business people. There are parallels.

I think that what Professor Blainey advises us is important in terms of how we should interpret Eureka. What he says—these are important words and I would urge the Labor Party to consider what he has on offer—is that we should celebrate Eureka and its democratic process as a landmark event in Australia, but we should not go too far in celebrating the battle itself, exciting and tragic as it was. The main lesson of Eureka is that debate, negotiation and compromise are far more effective and humane than an appeal to arms.

Mr Speaker, this is an event that, sadly, has been totally politicised. I would urge the Labor Party to reconsider the way in which it has approached this event. The inclusion of

criticism of the Australian government is unnecessary and I think Mr Smyth's amendment is one that ought to be supported by the Assembly.

MS PORTER (Ginninderra) (4.53): I do not support Mr Smyth's amendment, and I thank Mr Mulcahy for his history lesson. However, his reflections just prove to me and to the rest of us on this side of the house that revision of history takes place continually and, in fact, has just taken place. Correct me if I'm wrong, Mr Mulcahy, but I believe that you said that I was born in Tasmania.

Mr Mulcahy: Tasmanian links.

MS PORTER: Yes. Whilst I am very fond of that state—I believe that it is a fine state—I was in fact born in Purley, Surrey, England, into a proud Labour family, as I mentioned in my inaugural speech. The fact that my father recently died in Tasmania would appear to be the reason you put two and two together and got the wrong answer. This is the way, of course, that we all make simple mistakes such as that. You put those two facts together and you came out with the wrong answer. That is the way history does get rewritten.

Therefore, I do not support the amendment and I do support Mr Gentleman's motion in total.

MR STEFANIAK (Ginninderra) (4.54): I will be brief, Mr Speaker. I just want to say that I have heard members of the government say that the Eureka flag should be flown from the main flagpole at Parliament House. My understanding of that is that you cannot. Whether it is a convention or whether it is in fact an act of the federal parliament, I am not sure. But whatever it is—and let's assume it is just a convention, but a strong one, that that flagpole, being the highest flagpole, I think, in Canberra, takes precedence over ours on Capital Hill, which is a bit lower—it has to have the Australian flag, the national flag, flying there as the only flag at all times.

I think someone also mentioned the Queen's Standard. My colleague Mr Smyth tells me that he understands that there is a special flagpole for that. Whilst it is fine to fly whatever you like on Capital Hill—and we have had Raiders flags, Brumbies flags and all sorts of things there, for good reason, and I have absolutely no drama with the Eureka flag being flown there at the appropriate time—that would be the appropriate place for something like that, rather than the national flagpole on top of the national parliament, which always has to have the Australian flag, I think for very good reason.

The Eureka Stockade—I suppose I am a bit of a history buff—was a significant event in Australian history; no-one doubts that. But it was, as much as anything, a revolt against some oppressive conditions on the goldfields and effectively an unfair tax. Indeed, one of the chief instigators, Lalor, became an MLC and was regarded as a bit of turncoat later because he went against a lot of what some of the miners there had wanted.

Whilst it is a significant event, it certainly is not the be-all and end-all; it has perhaps been a bit problematic in that it does seem to have been hijacked a bit by the left in terms of the flag. I remember the BLF days and things like that. It is an impressive flag and it is an impressive event, but I think that there are very good reasons, at least because of

conventions and it might even be by statute, why only the Australian national flag can fly from the flagpole at the top of Parliament House.

MR GENTLEMAN (Brindabella) (4.56), in reply: Mr Speaker, I rise to thank members for their contributions to this debate today. I think the nature of the debate in this Assembly on this issue of the Eureka commemorations reflects the purpose of this motion in itself. I consider the process of debate one of the most crucial aspects of our democracy, and in raising this issue and in sparking debate I think we have begun the self-fulfilment of the purpose and intent of the motion. I ask you all to consider supporting this motion, in the hope that the same level of debate we have seen in the chamber today will be echoed throughout the schools and in our community in the years to come—debate about the ways in which we engage with the process of democracy in the territory.

This is the spirit of Eureka: a celebration of our capacity to engage in the process of democracy and effect real change through debate—radical ideas made reasonable through debate and struggle. Mr Speaker, I urge the Assembly to support the motion without amendment.

Question put:

That **Mr Smyth's** amendment be agreed to.

The Assembly voted—

Ayes 6

Mrs Burke	Mr Stefaniak
Mrs Dunne	
Mr Mulcahy	
Mr Seselja	
Mr Smyth	

Noes 9

Mr Berry	Mr Hargreaves
Mr Corbell	Ms MacDonald
Dr Foskey	Ms Porter
Ms Gallagher	Mr Stanhope
Mr Gentleman	

Question so resolved in the negative.

Amendment negatived.

Original question resolved in the affirmative.

Motion agreed to.

Suspension of standing orders—adjournment debate

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

That so much of the standing orders be suspended as would prevent the adjournment debate continuing past 30 minutes.

Suspension of standing orders—private members' business

Motion (by **Mrs Dunne**) agreed to, with the concurrence of an absolute majority.

That so much of standing and temporary orders be suspended as would prevent consideration of Notices Nos 1, 2 and 3, Private Members' business, being called on forthwith.

Rural leases—Molonglo Valley

MRS DUNNE (Ginninderra) (5.02): I move:

That this Assembly calls on the Government to—

- (1) make an offer to the Coonan, Tully and Tanner families, who hold rural leases in the Molonglo Valley, that would provide the opportunity for these property owners to obtain reinstatement to another location and cover the full value of the lessee's interest in the property under their existing lease conditions as per the agreement in November 2003; and
- (2) ensure the families can resume the lives as per their current conditions and so that they can maintain their current lifestyle and business opportunities.

I thank members for their indulgence on this important matter. Mr Speaker, for the edification and information of newer members of the Assembly, this will be the third time, in a technical sense, or the fourth time that this matter has been debated in this place in just over a year. I will give a very brief amount of background.

Midway through last year, the Minister for Planning made a new disallowable instrument in relation to the granting of the rural leases which excised two rural leases in the Molonglo Valley from those which had previously been 99-year leases and turned them into 20-year leases. This was done in secret, by stealth, without consultation or notification of the rural lessees concerned.

Effectively, that meant that those people who actually had an older style lease—that is, a 50-year lease—could have turned it into a 99-year lease when that lease expired or at any time under the new leasing arrangements. They had not done so; so the minister essentially attempted to acquire their property rights by changing the status of the lease to a 20-year lease, which has significantly diminished rights from a lease that is for 99 years. In addition to the complete heartlessness, lack of concern and complete injustice of this move, it showed that the minister and his department have little understanding of the leasing arrangements that relate to older style rural leases of the type that operate in the Molonglo Valley and in a few other places, but mainly in the Molonglo Valley.

As a result of this issuing of a disallowable instrument, which is DI2003254, I moved disallowance. It was originally debated in this place on 23 October. At that time, halfway through the disallowance debate, the debate was adjourned so that people could go into a huddle and have a discussion, and it was brought back a week later.

When it was brought back a week later, the minister made some very significant commitments. For the reference of new members, I will read what Mr Corbell said at the time. He had already spoken in the debate and he sought leave to speak again because he wanted to make a statement. He said:

I just want to briefly outline a range of issues that I know members have sought some clarification on subsequent to the debate in the last sitting of the Assembly.

There was a bit of technical stuff, but he went on to say:

... I will ensure that those rural lessees in Belconnen and Weston Creek who formerly have had access to 99-year leases and now only have access to 20-year leases will have adequate compensation, as provided for under the statutory framework, when the leases expire or the land is withdrawn.

The leases in question expire at the end of 2005. Mr Corbell went on to say:

Yesterday—

which would have been 17 November 2003—

a meeting was held with the affected lessees and I have agreed to conditions which will allow the surrender of their leases with full compensation rights as determined in the lease and provisions for payout as provided under ... the Land (Planning and Environment) Act.

I have also confirmed that the ACT Planning and Land Authority will give top priority to undertake the associated work with surrender of the leases as quickly as possible. I will ensure that the lessees are provided with regular updates on the progress of these matters. At this stage there has been no decision on the part of the lessees to surrender the lease.

I have also agreed that, if the lessees wish to remain for a longer period on the land after the termination or expiration of the lease, the government will be more than happy to look at accommodating those wishes. I trust that this satisfies the concerns of a number of members following the debate in the last sitting.

As a result of that undertaking, Mr Corbell was able to forestall the disallowance of his unjust disallowable instrument. As a result, the leases were converted from 99 years to 20 years. Then, negotiations were to be undertaken. There was almost a full year of negotiation or non-negotiation on this matter, which brought us to the last sitting day of the previous Legislative Assembly. On 26 August I successfully suspended standing orders to bring on a matter of private members' business and the Assembly unanimously passed the following motion:

That this Assembly:

- (1) recognises that the ACT Government has been in negotiation since November 2003 with the Coonan and Tully families in relation to purchasing their rural properties and that no formal offer has yet been made; and

- (2) calls on the Government to provide a fair and equitable offer to the families before the Government's caretaker period commences in September 2004 and that this offer should—

and these are the important things that the previous Assembly agreed to—

- (a) provide the opportunity for these property owners to obtain reinstatement to another location and cover the full value of the lessee's interest in the property under their existing lease conditions, as per the agreement in November 2003; and
- (b) ensure that the families can resume their lives as per their current conditions and so that they can maintain their current lifestyles and business opportunities.

Mr Speaker, that motion was passed unanimously in this place on 26 August 2004. It was a very humbling experience to spend some time with some of those rural lessees and to see hard-bitten men who had worked the land for more than 50 years in tears in the gallery in this chamber, because their fortunes and their future were so precariously held by this government. It is a very humbling experience to find in tears, because of the precarious situation that they are in, elderly gentlemen that you have worked for.

It's a very humbling experience to see the decline in health of some of those people—elderly people who are looking for certainty in their last years—and to see the decline in health because of the uncertainty brought about by this, first of all, unjust change of their leases and, since then, the unconscionable delays, the unconscionable dragging out of things and the unconscionable behaviour of this government, sanctioned by this minister, in dealing with these families.

The culmination, Mr Speaker, was that, after that motion was passed in this place, an offer was finally made, which was not signed off by the minister but certainly agreed to by the minister—because he has indicated to me that he was perfectly happy with it—which did not come anywhere near the agreements that were in place and did not in any way, shape or form allow the lessees who own that land to carry on, as was required in the motion. The motion was clear. It clearly said that they should be given the opportunity to resume their lifestyles and their businesses elsewhere.

The offer that was made as a test case to one of those families was about one-sixth of what would be necessary to do that and about one-sixth of the valuation of the land provided by an independent valuer. Valuers always disagree. But what was agreed to was a without-prejudice negotiation. The rural lessees were prepared to do just that, to offer information on a without-prejudice basis. But the ACT government never brought to the table any information so that they could have a meaningful conversation.

The tenor of the letter of offer sent to the lessees, just before the caretaker period or about the time of the caretaker period, was, in many ways, completely and utterly insulting. It was a take it or leave it offer: "here is the offer; this offer expires on 5 October; no negotiations will be entered into." If the offer was taken up, it meant that under no circumstances could any other action be brought by any of the lessees against

the territory for any matter at all. So, not only was the government attempting to buy these people off; it was attempting to buy them off at a very measly price.

In response to that letter, the advocate on behalf of the families wrote to the chief planning executive. He concluded a fairly lengthy letter with this paragraph:

I look forward to receiving your further advice on this matter so that we can proceed. My hope is that a further round of negotiations will arrive at an offer that my clients can agree and then move forward.

The response to that letter, Mr Speaker, came on 29 November and basically said, “We reject all offers; no further correspondence will be entered into.” It says, referring to the letter that I recently quoted, that the writer of that letter, Mr Higginson, who was the advocate for the family, “has consequently informed the authority that there has been no reason to continue negotiations”.

I have checked to make sure that there is no other correspondence that I have missed. The last correspondence that left on behalf of the rural lessees said:

I look forward to receiving your further advice on this matter so that we can proceed.

The response to that from the chief planning executive was, basically, “We understand that you don’t want to proceed with the matter and we won’t enter into any more correspondence.”

Mr Speaker, this has been the duplicity and the bad faith—and I do not use the words lightly; this is bad faith—and these people have been treated in this way for an extended period. The minister may hang his head and shake it; he should be shaking it in disbelief because the treatment of these people has been appalling.

This minister made an undertaking. He made an undertaking in this place on 18 November. I have read out that undertaking to members today. On 26 August this year, that undertaking was reinforced by a unanimous vote of the previous Assembly. Is this going to be the minister’s out? “Oh, it was the previous Assembly and I’m now in majority government; I don’t have to be bound by that; I don’t have to have any sense of justice, any sense of honour, any sense of relying on my word.”

What has happened is that this minister has shown the rural lessees of this territory that they count for nothing and he has shown individual families that what is most important is that he gets access to this land so that he can build his new town centre—the memorial to Simon Corbell. We will have Corbellville; we will have Simonstown; we will have all sorts of things. Perhaps we will have large boulevards with statues of the minister astride the avenues. This will be done, Mr Speaker, at the price of ordinary, everyday, decent Canberra farmers who are in the process of being dispossessed of their property, their property rights, and will have no opportunity ever to re-establish their businesses, their businesses of long standing, elsewhere.

These are not people who have off-farm income; these are people who do not have big superannuation investments somewhere else. These properties that they have been working, in some cases for 50 years and have been in families for, in many cases, much

more than 50 years, are their only investment. These properties are their superannuation. This government and this minister, through their carelessness, their crassness and their greed, are attempting to deprive these people of their superannuation. I give notice to this minister that I will not rest until the Coonan family, the Tully family and the Tanner family receive justice from this minister.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.17): Mr Speaker, I am appalled and dismayed by the approach Mrs Dunne takes on this issue. It is nothing but crass politics. It is nothing but an overwhelming attempt to completely disregard the basis on which leasehold administration in this territory has been conducted ever since the territory was established.

She fundamentally misconstrues the way the administration of the leasehold occurs. She raises expectations in a way that is quite incorrect about how the management of rural leases in particular will occur, and she does it, I believe, either for her own crass political advantage or because she simply does not understand how the leasehold is administered in this territory.

The government will not support this today because the motion fundamentally misunderstands the way the government has approached this issue. More importantly, it fails to understand how the leasehold has to be administered under the land act. Mrs Dunne seems to think that a negotiation involves the government agreeing to whatever it is the lessees believe is just for their properties. The government has come to the table and said, “This is what we believe is the appropriate level of compensation for improvements on your property.” We have done that. It is one and a half million dollars—it is not a small amount of money—for a single property. The lessees disagree with that. So they need to come back and say what they believe is a reasonable alternative, rather than saying that they expected it to be \$4 million and, if it is not anywhere near that, it is not good enough. That is not a negotiation.

Mrs Dunne’s motion also fails to acknowledge that these leaseholders have not sought to surrender their leases. They have made no formal application to surrender their leases. The government is not seeking to acquire their leases at this time. Yes, the Molonglo Valley has been identified as an area for potential future urban capability; there is no doubt about that. More detailed planning work is required to be done. That work is being done in conjunction with the National Capital Authority.

Because we accept that the leaseholders concerned have legitimate concerns about their future tenure, and because the previous Assembly indicated that it shared those concerns, the government agreed to enter into negotiations on a without prejudice basis to indicate what would be the possible level of compensation if those lessees chose to surrender their leases. And that is what we have done—no more and no less than that.

It is worth making the point that, if the lessees are unhappy with the level of compensation proposed in the without prejudice negotiations, they do have another avenue open to them, and it is something that Mrs Dunne fails to acknowledge. They can initiate formal surrender processes for their leases, the territory can then make a formal offer under the act and, if the lessee is unhappy with that offer, they can seek independent review and arbitration of that offer through the Administrative Appeals Tribunal. So, if the lessees really do want to surrender their leases and they really are

unhappy with the government's offer in the without prejudice negotiations, they can exercise their rights under the land act and get independent review of the government's offer. If that is what they are concerned about—and I understand that it is—I would counsel that that is the way they should progress the matter.

What we have been doing to date is an informal process. The government has sought to provide as much information as possible on what we believe would be the compensation offer for the particular lease in question, the Coonan lease. But it is an informal process and I am not going to conduct negotiations on the value of a surrender for a piece of land in the territory through political debates in the Legislative Assembly. There is a process under the land act for managing that where there is dispute, and if the lessees choose to exercise their options in that regard they will have full access to those avenues.

So that is essentially the nub of the matter. The government has not in any way dishonoured or ignored the undertakings it has made. It has fulfilled its undertakings—in full. We have made the offer, we have undertaken our own assessment, as well as an independent assessment, of the value of the improvements on that property, and we have made the offer. I have heard Mrs Dunne say in the media that the lessees have got independent valuers. But so have we. They are not government valuers; they are people from the Australian Valuation Office, engaged by the government. And we have had another valuer as well; we have had two opinions.

I know the lessees do not like the outcome; I understand that. They obviously believe their improvements are worth much more, and their valuers obviously take a similar view. But we are now at an impasse. There is a way of breaking this impasse. That is for the lessees to exercise their rights under the land act and initiate surrender; the government would then make a formal offer and that would be arbitrated in the AAT. But we are not in any of those processes at the moment. This is an informal discussion between the territory and the lessees, without prejudice, with no statutory standing. It is simply a discussion; that is all it is. We have honoured our obligations in full to provide that information as was requested by the previous Assembly. Mrs Dunne also made the point that this is not about improvements.

Mrs Dunne: It isn't about improvements.

MR CORBELL: Mrs Dunne, that is simply wrong, and I think in many respects this is the nub of the issue. Members of the previous Assembly would be aware—new members may not be, so I will just provide some information—that the rural lessees involved are members of the ACT Sustainable Rural Lands Group Inc. This group has had longstanding objections to various aspects of the rural lease policy that was introduced in February 2000 by the previous Liberal government. Some of the other members of this group have since decided to sell their properties on the open market or accept a further lease under the conditions of the new rural lease policy introduced by the former Liberal government. Their capacity to do this was assisted by changes that were made by the Assembly to the disallowable instrument governing the grant of further rural leases. The changes included extending time frames for eligibility to applicants applying for favourable payment formulas, and this new instrument was notified on 12 December 2003.

The three lessees in question, Mr Coonan, Mr Tully and Mr Tanner, have not applied for further rural leases. However, the government and the ACT planning authority entered into good faith discussions with them in 2003; those are the discussions that I have just outlined in my comments. Detailed work on lessee owned improvements needed to be undertaken by the valuers with respect to each property. This included a component for timber treatment, as it is known under the lease. This is essentially recognition of the cost of clearing the land of trees. The lease, given the age of the trees, recognises this as an improvement to the property. In addition, work needed to be undertaken with respect to comparative property values, both in the ACT and New South Wales, and this work included both recent and historic property sales.

The leases indicate that the lessees are entitled to compensation for improvements they make to their property should the lease be surrendered or acquired by the territory. Mrs Dunne seems to think that we should offer compensation on the basis of the potential value of the land if it is subsequently changed to permit residential development, and she has made public comments in the media that support that position. She says that the government is going to make a motser—I think that was her language—out of selling this land for residential development.

That comment ignores two important facts. First of all, the government has to recoup the infrastructure costs for developing these areas through land sales, and infrastructure costs are considerable in developing any new greenfields area. Secondly, and more importantly, that is not the way the lease works. The lease does not have a value for residential development, because the lease does not permit residential development. The lease permits use for agricultural purposes. The lease was granted on that basis. The full rights to the lease were actually purchased by the commonwealth in the seventies as well. So these lessees were compensated in full for the value of their property when the commonwealth acquired these properties—

Mrs Dunne: The commonwealth never acquired these properties.

MR CORBELL: when the commonwealth paid out the value of these properties and established these properties on a different leasehold basis. So the lessees are being treated fairly. The lessees are being treated consistent with the approach the government would adopt if they initiated the process for surrender under the land act. I have not sought to deal with these lessees in any way different from the way I would deal with any other rural lessee in the territory.

The bottom line is that rural leases, ever since the federal capital territory was established, have been used as a land bank for potential future urban development. Planning studies undertaken by the territory have now recognised the Molonglo Valley as a potential area for future urban development. Given that that is the case, it is reasonable for the territory to say that long-term leases should not be permitted any longer in this location. The land, at some stage in the next five to 25 years, will be required for urban development. Why would the territory grant a long-term, 99-year lease in these circumstances? It would be negligent of the territory to do so and incur the costs associated with that. This is the approach the government is adopting. It is no different from the approach adopted for any other rural lessee in any other part of the territory where urban development is proposed.

We are prepared to offer these lessees a further lease, on a short-term basis, of 20 years. That is the offer on the table. The lessees do not want to accept that; they believe they should have 99-year leases. We do not agree. They now want to contemplate surrendering their land and we have made an offer on an informal basis. That has not been accepted. They now have another avenue open to them, and that is to initiate formal surrender and arbitration through the AAT if they are unhappy with the ACT government's offer.

I have circulated an amendment to Mrs Dunne's motion. It outlines these issues and, I believe, reflects more accurately the issue as it pertains to these lessees. I move:

Omit all words after "That this Assembly", substitute:

"notes that:

- (1) the ACT Government, through the ACT Planning and Land Authority, has entered into good faith and without prejudice negotiations to establish a valuation of the lease improvement for the Coonan family, who are rural leaseholders in the Molonglo Valley;
- (2) the relevant leaseholders have not made a formal application to initiate surrender of their leases;
- (3) the ACT Government is not seeking to acquire the relevant leases at this time, as more detailed planning is being undertaken in the Molonglo Valley to determine its potential urban capability; and
- (4) that, should the relevant leases be either surrendered or acquired, the relevant lessees have available to them independent review of any compensation subsequently offered."

DR FOSKEY (Molonglo) (5.32): Apparently, the last time the Assembly looked at these issues, in August this year, it passed a very similar motion to this one and, as has been recorded by Mrs Dunne, the issue dates back to November 2003 when the government, with the support of the Greens, changed the lease entitlement to a number of rural leases in the Belconnen and Molonglo areas.

I would like to remind the Assembly that part of the reason the Greens supported this change was that the government agreed to negotiate with the affected leaseholders under the terms of their existing lease. Furthermore, in that initial discussion at the end of last year, the point was made very forcefully by the leaseholders, and acknowledged by other parties, that timeliness in resolving the matter was as significant as the dollar value. In that context, it was also acknowledged that one of the families in particular is quite old, has lived on these properties for many years and was finding having the matter unresolved particularly difficult.

I know that arguments can always be made that this is a complex issue. But I do not think it is stretching the point to say that having an offer finally put on the table in September of this year was very slow. Furthermore, while initial discussions in November 2003 implied a fairly open process of negotiation, it is worth reminding the

Assembly that the offer that was made did not include any details or methodology; it was simply a figure of around one and a half million dollars.

After the leaseholders were advised that ACTPLA's initial offer for the larger lease was on a take it or leave it basis, the opposition and crossbench held a press conference on September 14, calling on the government to negotiate with the leaseholders in good faith and in accord with the Assembly's motion in August. The Minister for Planning is on the record as rejecting the implications of that media conference: that the government was abusing its commitment to negotiate with the leaseholders in good faith. Instead, the planning minister said that negotiations would continue and were proceeding. As I understand it, however, the only contact that the lessees have had since rejecting the first offer has been a letter from the chief executive of ACTPLA, dated 29 November, in response to correspondence on 22 October, advising them that, since the September offer had been rejected, no further negotiation would be possible.

I do not understand how the minister can argue with integrity that negotiations have proceeded or that either the government or ACTPLA has dealt with this matter promptly, openly or in accord with the express wish of the Assembly. I will be supporting the motion and I will not be supporting the minister's amendment. I believe that the rural lessees should expect better treatment at the hands of this government than they are getting. While most points of this amendment are statements of fact, as I have already argued, the ACT government has not engaged in ongoing negotiations with the rural lessees in an open or timely manner, or in good faith.

MR GENTLEMAN (Brindabella) (5.35): I support the amendment put by the minister to Mrs Dunne's motion. The Coonan, Tully and Tanner families hold rural leases that expire in December 2005. With the establishment of the Australian Capital Territory, the commonwealth government acquired rural land for the development of Canberra's infrastructure. In many cases the government also purchased the improvements on the land. Rural leases were then issued with special provisions that would allow the government to withdraw land when it was required for urban development. Since this time, a considerable amount of rural land has been progressively withdrawn, and continues in the current development areas of the ACT.

The rural leases held by the Coonan, Tully and Tanner families were granted in the 1950s pursuant to the Leases Ordinance 1918. These rental leases contain land withdrawal provisions, and contain no provision for extension or renewal. They do contain a provision for compensation for improvements on expiry or determination of the lease.

Under the ACT self-government legislation in 1989, the ACT obtained legislative power to enact laws relating to land tenure and land management. It did so by the Land (Planning and Environment) Act 1991 and the Land (Planning and Environment) Consequential Provisions Act 1991. The Land (Planning and Environment) (Consequential Provisions) Act 1991 repealed the Leases Ordinance 1918 and the leases in question were deemed to be leases under the land act. Section 173 of the land act also made provision for compensation for improvements on expiry or determination of leases of the kind in question.

Prior to 1996 there was no provision for any entitlement to a further rural lease. In 1996, section 171A was inserted in the land act. Section 171A established a procedure whereby the holder of a rural lease could, subject to payment of a fee and surrender of the lease, become entitled to a grant of a further rural lease of his land. Provisions were also included in the legislation that required rural leases to be granted only if the proposed lessee entered a land management agreement. These provisions also restricted dealings with leases. Further leases did not confer certain water rights.

I reiterate Mr Corbell's earlier statement that the Assembly made, from time to time, changes to the disallowable instrument governing the grant of further rural leases. The changes included extending time frames for eligibility to applicants applying for favourable payment formulas. The latest disallowable instrument, D12003-323, was notified on 12 December 2003.

From the history of rural leases it can be seen that special policies and conditions were developed specifically to assist the government in developing the territory into the future. Mrs Dunne's motion does not acknowledge this history, nor does it acknowledge that these families have not sought to renew or surrender their leases. The government is not seeking to acquire the lease. The government has in good faith made a generous offer to the lessee through an informal process. As that has not been accepted, there is no basis for further negotiations in respect of claims for recompense, which are in all the circumstances simply inappropriate, as the lease expires on 31 December 2005. I urge the Assembly to support Mr Corbell's amendment.

MRS DUNNE (Ginninderra) (5.39), in reply: I will speak to Mr Corbell's amendment and close the debate. I will just go back and refresh people's memories about what we debated last year, and draw the parallel with what we are debating now. What we debated last year—I read it out before—was almost word for word the motion that we are debating today, and the reason for bringing the motion forward today in an almost identical form to the one that we debated on the last sitting day of the last Assembly was to carry over that commitment of the Legislative Assembly to those people.

Mr Corbell has done a number of things, but in moving his amendment today he absolutely and utterly reneges on every commitment that he has made to the rural lessees and to their advocates since November 2003. The terms of the amendment that he has circulated today are a complete abrogation of every commitment that he made in this Assembly in November 2003. He can say as much as he likes that that is not true. But people will see, if they read his amendment and what he said in this place on 18 November 2003 and read the motion that he agreed to in this place on 26 August 2004, how this man has walked away from his words.

The Minister for Planning said that this motion was fundamentally about improvements. It is not about improvements. This motion, like the motion that was passed in this place on 26 August and like the commitment that he made in this place on 18 October, is to ensure that families can resume their lives as per their current conditions and so they can maintain their current lifestyles and business opportunities.

Mr Corbell was so crass as to talk about money here today, and he did it in a very devious way. He said, "It was this much money, and that's a lot of money." Yes, it is

a lot of money; but you have to take it in the context of the land for which that compensation was offered. If you ask whether these people can take that amount of money that was offered to them, go and buy a property, either freehold or leasehold land, across the border and re-establish their business, the answer is no; they cannot do that. In fact, the property for which that compensation was offered has three houses on it. You could barely buy three houses in Canberra for that amount of compensation. And that does not take into account the sheds, fences, dams and timber treatment—all of those things. The offer that was made is pathetic.

Mr Corbell keeps saying, “We acted in good faith, and we acted without prejudice.” But a without prejudice negotiation is one where you put all your information on the table and you look at it and talk about it. But you cannot take away any information you obtain through that process and then go and take up legal proceedings elsewhere. It is as if you did not know that information. That is what a without prejudice negotiation is, and this government has never entered into a without prejudice negotiation with the Coonans, the Tullys and the Tanners and their representatives, because it has never put any information on the table. All it did was write a letter and say: “Here’s our figure. Take it or leave it.” That is a shameful way to behave.

We listened here today to the Minister for Planning, the person who has statutory responsibilities under the administrative order for the ACT leasehold system, and his lack of knowledge, which was then perpetuated by Mr Gentleman, a new person in this place, was absolutely shameful. That a minister who has held this position for three years should know so little about the history of rural leasing in the territory is an absolute disgrace. It is a disgrace that the Minister for Planning, who has held this position for more than three years, does not know the difference between land that was previously freehold but was made leasehold by the Whitlam government in the 1970s and land that was always leasehold; it was leasehold before Federation. Leases under the 99-year policy allow many more entitlements than a lease under the 20-year policy.

Mr Corbell showed today a shameful lack of understanding of the basics of his portfolio. He knows nothing about the leasehold system, and the people of this territory need to be very afraid if this is the man running the planning system in this territory. Given his appalling lack of understanding, this minister had better spend his Christmas break brushing up on the basics of his portfolio.

Mr Corbell went to great lengths to cast my position in as disadvantageous a light as possible. I will not say he misled the Assembly, but he certainly misunderstands—and probably wilfully misunderstands—my position. No person in this debate who has acted on behalf of the rural lessees has ever said, “Gee, this is potentially residential land and I want to recoup compensation as if it were residential land.” That has never been said and I put it on the record now that no-one in this debate wants to be compensated as if it were residential land. They want to be compensated according to the lease that was issued to them in 1955. All this minister has to do is find somebody in his department who can understand a 1955 lease—if no such person exists there, I suggest that he go and find himself a nice leasehold lawyer who can read a lease—and he can then sit down and negotiate with these people. If he is not going to do it face to face—he has not done it yet, and I understand the reasons for that—he has to ensure that his officials behave in good faith.

It has been reported to me that at the very first meeting after 18 November, when Mr Coonan and Mr Tully and their representatives came together to meet with officials from ACTPLA, they all sat down and started negotiations and one of the officials—I am paraphrasing here—said: “I don’t want to be here. I don’t think I should be here, and I don’t particularly care what any minister or any Legislative Assembly says; this is not the way we are going to do it.”

That is a searing indictment of the administration of this minister. This minister has no control over the areas of government for which he has responsibility. The people whom I have advocated for in this matter have tried to do everything they possibly can to take the heat out of the debate. They thought there might have been a personality clash between them and the officials because there is some history there, so they said: “We will withdraw from the debate and we will appoint an advocate to advocate on our behalf. We won’t go to the meetings; we will send our advocate.” But that has not improved the situation at all. There has been this obfuscation to the extent that, when Mr Higginson wrote to the chief planning executive and said, “I would like to move forward on this debate, on this discussion,” the response came back: “You obviously don’t want to negotiate any more. That’s the end of it.”

What is being proposed today, because the minister is no longer constrained by this Assembly, will be a travesty. It will be a complete turning away from an obligation that he undertook. If he persists with his amendment to my motion, he will be telling me, every member of this place, the Coonan, Tully and Tanner families and their representatives, and every person in the ACT, that Simon Corbell, Minister for Planning, is a man whose word cannot be trusted.

Question put:

That **Mr Corbell’s** motion be agreed to.

The Assembly voted—

Ayes 8

Mr Berry	Mr Hargreaves
Mr Corbell	Ms MacDonald
Ms Gallagher	Ms Porter
Mr Gentleman	Mr Stanhope

Noes 7

Mrs Burke	Mr Seselja
Mrs Dunne	Mr Smyth
Dr Foskey	Mr Stefaniak
Mr Mulcahy	

Question so resolved in the affirmative.

Question put:

That **Mrs Dunne’s** motion, as amended, be agreed to

The Assembly voted—

Ayes 8

Noes 7

Mr Berry
Mr Corbell
Ms Gallagher
Mr Gentleman

Mr Hargreaves
Ms MacDonald
Ms Porter
Mr Stanhope

Mrs Burke
Mrs Dunne
Dr Foskey
Mr Mulcahy

Mr Seselja
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Peter Meyer

MS MacDONALD (Brindabella) (5.55): Friendship is a thing most necessary to life, since without friends no-one would choose to live, though possessed of all other advantages: so said Aristotle. We all have friends. Some are friends for life and some we fall out with and no longer count in our circle. Some friends we speak to on a daily basis or a weekly basis; others once or twice a year as our daily lives preclude us from more frequent contact. Some friends float in and out of our life a bit like the wind—sometimes obviously present in your life, sometimes not; they are off elsewhere in another place. But they are never totally absent from our thoughts.

Peter Daniel Meyer was such a friend. Peter and my brother David became friends while attending high school together. They remained friends after their school days finished. Peter always struck me as being a square peg trying to fit into a round hole—someone who struggled to fit into this often less than sympathetic society.

At the age of 23, Peter was diagnosed with schizophrenia. Schizophrenia is a terribly cruel illness. It distorts a person's reality and makes them fearful of those they once trusted. Peter's mother, Rosalind Sharbanee Meyer, says the following in her book *A Window into Schizophrenia—my brown bear*:

People with schizophrenia rarely have friends. They are loners. Isolated in their world of voices and paranoia.

For those who did not know Peter, he always seemed like an oddball, a misfit, even a freak. He had these big, Mick Jagger-like lips and, when I first met him, because his vision was fairly poor he had glasses that looked like they were made out of the bottom of coca-cola bottles.

To those of us who got to know Peter, he was nothing short of brilliant. He was, in spite of his great intellectual capacity, extremely humble. He was a wonderful human being who filled our lives. Peter's close friend Tony Nesbitt describes Peter in the following way:

Peter Meyer was a rare connoisseur—he knew the value of most things but cared little for the price of anything. He lived his life intuitively—it was never about storing away social or economical capital in a calculated way. All his qualities, his wit, his courage, his kindness, his intelligence, his loyalty, his taste, his gentleness—his sheer presence—had nothing to do with self-aggrandisement ... None of what fascinated him was mere affectation—he lived and breathed it. Whether playing pool or scrabble, drawing his fabulous cartoons, rediscovering painting, or sharing time with those he cared about. Common to us all will be a sense of gratitude for the privilege of having known him.

That is why Peter had so many people who loved him, cared for him and had no compunction about being his friend. Another friend of Peter's, Nick Szentkuti, once said to Rosalind: "Rosalind, I am not Peter's friend because I feel sorry for him. I am his friend because he is intelligent and funny and he is my best friend." And he was.

Peter was very fond of good food but was always as skinny as a rake from walking everywhere. I remember Peter once recommending a restaurant to me in Surry Hills as a great place to go. He said, "The food is great and, even if you walk in looking like a beggar, they treat you like Jesus Christ." He was quite right: the food was excellent and you really did get treated like the Messiah when you walked through the front door.

On another occasion I remember Peter had got his mother to drive him over to our house earlier than was required for dinner. He had great anticipation of my mother's beef olives. I do not think Mum had actually made them that night, but Peter spent the entire evening enthusing and reminiscing about Mum's beef olives.

Given everything Peter had to contend with given his schizophrenia, it would not have been surprising if he had become self-obsessed. But Peter was always considerate of others, and went out of his way to help them. Peter saved me from a very difficult situation at a critical point in my life. Without Peter's intervention, I doubt that my sanity, and possibly my life, would have remained intact. For Peter's actions at that time I will never have words enough of thanks.

On 1 January 2003, Peter killed himself. He could no longer live with all the voices that plotted against him, belittled and demeaned him. For the rest of the world, we are far poorer beings without him.

I have made this speech today because his mother recently released her book, *A Window Into Schizophrenia—my brown bear* and it makes for insightful reading for anybody dealing with a loved one who has schizophrenia.

Valedictory

MR SMYTH (Brindabella—Leader of the Opposition) (6.00): On behalf of the entire opposition, I would like to offer season's greetings and good cheer to all 17 members of the Assembly and their families; to you, Mr Speaker, in particular, for the leadership you offer us and the way that you conduct the Assembly; to the Clerk, who is not present and is probably dreaming of Christmas with his new wife; and to all the staff.

Mr Speaker, we would like to say thank you for a successful year. We know that sometimes we are a burden to you and, in the spirit of Christmas, we apologise if we are excessive sometimes. But from your experience here in the seat behind me, you will understand how it is to be in opposition. To the Clerk—to Tom—to Max and to all the staff, we would like to say thank you for the advice, the friendship and the responsiveness of the organisation that you run. To those that do not work in the Assembly, things are always done at a frantic pace. Nothing is ever needed done tomorrow; it is always needed yesterday. And the clerk and his staff have always come through for us.

To the attendants—particularly Lewis, who took up the reigns after Mark McCrae left—we would like to say thanks very much for the way you look after us in the chamber and out of the chamber. The service is always good. To all of you and your families we offer our thanks and we send greetings of merry Christmas because you guys are the glue that makes the place work, and without you we cannot do our job. Thank you to all the attendants.

To those in Corporate Services, down at the end of the dingy, dark corridor, who pay the pays and check the timesheets and look after our allowances and all the other bits and pieces that keep the place running, we say thank you. To Hansard, who listen patiently and decode and try and work out what it is that we have said, thank you for the way that you record us and look after us and the courtesy you extend to us.

To the staff in the library, to Siew Chin Scholar and all the staff up there, we would like to say thank you very much. The requests for reports, articles, clips, TV and radio that we thought we heard and that you somehow manage to find on vague and brief descriptions—thank you for your professionalism in that information and service provision. Thanks very much for the way you look after us, particularly when we have got overdue books—I promise to read at least two of them and have them back by next year.

Thank you to the committee staff—always thanks to the committee staff. You are often the unseen ones here in the Assembly in the work we do—the work that you get—through the support that you provide, the advice that you offer and the professional way that you finish all of the reports magically by 10.30 on that Thursday morning when they are due. We all marvel at, and would like to remember Judy Henderson, who is no longer with us here in the Assembly. We always think of you well.

We say thank you to the other people that make this thing work: the constituents, who give us the task of looking after them and give us their votes; and the advocate groups—from business through to community, through to sport, through to environmental. You have all got your barrows to push, and you push them well. May you never tire of that.

Thanks to the media. We have an interesting relationship with the media. We often do not think we get the coverage that we deserve and the other side gets better than we get, but we know you have a difficult job. I would like to say thank you, and I wish you all well. If we get tired here in this place, then you must get just as tired. To the members of the ALP and to the lone Green, best wishes on behalf of the opposition, the Liberal Party. I want to say thanks to our staff and to your staff for the way you look after us all. I think

we all have friends on both sides, and that is one of the pleasures. There are always people here who amuse us and whom I am sure we amuse. Part of the enjoyment of being in the Assembly is the variety of staff—the backgrounds we have got. Everyone is different, everyone is individual, and I think that is quite fantastic.

To the class of 2004, I hope you have enjoyed your first full week. It is an exciting job we have here; it is a fabulous job. I love every minute of it. I look forward to seeing you next year, particularly Zed and Richard. Thanks very much for complementing the team that I lead. I really value what you have brought this week, and I look forward to you guys—when you have some more experience under your belts—giving even more. To all our families, to the loved ones that look after us and to the friends that buy the beers on a bad day and bring the scotch around on the good nights, I would like to say thank you. Enjoy your break, all of you. It is a wonderful time. I love Christmas. It is actually my turn to host my family's Christmas. There are only 60 of us coming, so spare a thought for Robyn, who is going to do all the cooking.

Before we go, I have a question to pose to the Minister for Urban Services. In his multicultural festival booklet for next year, he says that there will be cultural entertainment from all of the continents. I just want to know where the penguins are staying.

Valedictory

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (6.05): I would like to add my sentiments to those of the Leader of the Opposition. But, initially, to answer his question, St Anne's convent is where I am going to get the penguins from.

Mr Speaker, I rise in the adjournment debate to wish all members and their families all the very best over Christmas and the New Year break. I hope that you all have a joyous time with your families and that we all return safely after the break. I welcome the new members to the chamber. I know what a thrill it is to be placed in our position of trust and to be given the opportunity of representing our community.

I would also like to put on record my appreciation to the staff of the Assembly, chamber support, corporate support, committee office, library, Hansard, technical, IT and building support and, of course, our beloved attendants.

Mr Smyth: And Barry, I forgot Barry.

MR HARGREAVES: You forgot Barry, but he is building support, Leader of the Opposition. Of course we all say "Good on you, Baz!" It has been an absolute pleasure to be amongst you all, and I hope that you too have a wonderful time over the break. I need to wish my staff, Andrew, Maria, Ian and Liz, Ashley and Pat, Melissa and Nicole, and their families, a lovely Christmas and New Year and thank them for their support. It has been a roller-coaster five weeks, and they have been just fantastic.

I would also like to express my appreciation to all officers in the departments of urban services, disability, housing, community services and in JACS, the ESA and the AFP,

particularly Gordon Davidson, Sandra Lambert, Tim Keady, Commissioner Peter Dunn and the Chief Police Officer, John Davis, for their support in the short time I have had the honour to be minister.

I, too, would say thank you to the media. We often forget that the media are sometimes a conduit between us and the community. We would all, on both sides of the chamber, occasionally wish for some even-handedness, but by and large our relationship with the media is pretty good—I think, anyway.

Mr Speaker, I will just conclude by wishing all members here and all of their families—in fact, everybody with whom we come into contact and every constituent in the ACT—the very best of Christmases. I hope Santa comes with a bag load of stuff, drops it down your chimney—and not on the front lawn because it could be second-hand Sunday and you could lose a lot. I thought I might just use up my time because I can see Mrs Burke jumping out of her skin. No, Mr Speaker, I won't. I wish you all a very good Christmas.

Valedictory

MRS BURKE (Molonglo) (6.08): Yes, Mr Hargreaves—always keen to wish people well. This is the more pleasurable side of this profession that we find ourselves in. We are all here, 17 of us, at the end of what has been an extremely busy 12 months—certainly 18 months for me. But hooray, hooray—no more red buses following people in. I have managed to get to this place myself for a full term, so I am looking forward to the next year—and, indeed, the next four years—with great energy, enthusiasm and commitment.

I want to thank all the Assembly people involved in making this place work. It is one magnificent place to work. I have such a great feeling when I come into this place. I love my job and I love coming to work, and I think it is because of the people who make this place work so well, because of my colleagues and, to a lesser extent, because of the government. Generally, we are all trying to get on well. I can see that. And it is the season to be jolly. It is the season of goodwill.

We all deserve a holiday. Not to be self-congratulatory or pat ourselves on the back—but it has been tough. I congratulate the government on their achievement, most definitely. I congratulate you, Mr Speaker. You sat in this self same seat, and perhaps that is my problem. I am learning to control and contain myself, but you know me: exuberant to the last.

Mr Hargreaves: I'd believe you.

MRS BURKE: I know you would, Mr Hargreaves. You have been a good tutor, actually, sitting opposite. I do wish all members a blessed and restful Christmas and that we all come back refreshed and ready for a busy and productive year in 2005. Of course, it is a time for family. It is a time for remembering the reason for the season and reflecting on the year gone by and what is to come.

There are too many people to mention—that is why I am not going to mention people by name. Thank you to everybody for their support, and most of all thank you to the

community, which had the confidence in me to place me in this place and position. It is one that I honour and respect very much. Thank you to everyone. Have a great break.

Motorcyclists—charity ride Valedictory

MR GENTLEMAN (Brindabella) (6.10): Mr Speaker, I would like to speak briefly about an event to occur this coming Saturday, 11 December. The Motorcycle Riders Association of the ACT, along with several other motorcycle clubs and riders in general, have every year put together a group of riders to raise awareness of the plight of others less fortunate at Christmas. The aim of this ride is to help raise toys, money, food and clothing for those less fortunate.

The ride coincides with the start of the Salvation Army and the Smith Family's Christmas appeal. The MRAACT has been supporting this drive for many years, and the event is growing quite substantially. In 2002 there were approximately 400 riders, and last year those numbers grew to over 500. This year the organisers are hoping for at least 600 riders, although the number of those riding in the event does not include the many other volunteers. The ride attracts people from all walks of life, from public servants, professional motorcyclists, to politicians like Senator Kate Lundy and me. The other main objective of the run is to raise awareness of motorcycles.

Starting at Old Parliament House at 10am Saturday and after travelling along many main roads in Canberra south, the ride will finish at Garema Place in the city. The riders all must and do obey the road rules, and the riders are escorted by police motorcycles. They will only be travelling at a top speed of 40 kilometres an hour. I would encourage all members of the Assembly, and beyond, to get involved with this charity by donating to this very worthwhile cause or, if you are so inclined, by joining me and Senator Lundy on the toy run ride.

As this event is to help mark the festive season, I would also like to take this opportunity to wish a merry Christmas to all my constituents in Brindabella and to all my colleagues in the Assembly. I would also like to take the time to say a very special merry Christmas to those that keep this Assembly running from behind the scenes: the attendants, the Clerk's office, secretary, committee staff and lastly, but by no means least, the IT staff. All the staff in the Assembly help keep this well-oiled machine that is our government working towards the future. Thank you and merry Christmas to you, Mr Speaker.

Valedictory

DR FOSKEY (Molonglo) (6.12): After a week here, it is a good opportunity for me to reflect on my time here and most especially to thank the people who have helped me to settle in. Everyone has spoken about the people who work in this place and keep it running: the secretary, the people working in committees, the attendants, people like Max and Janice—absolutely everyone. It has just been wonderful to work with everyone. I felt genuine friendliness, and I have felt helpfulness. I want to say that I do feel very much at home here, and it is primarily due to those people's work.

I also have to thank the people who are working with me. I was very lucky to have Roland and Regan work for me—work with me. They also worked with Kerrie. It made

an almost seamless transition from one Green to the next. I have got to say that after being here a week, you need your Greens.

Mr Hargreaves: We intend to eat them!

DR FOSKEY: I think you will find me fairly indigestible, Mr Hargreaves.

I want to thank other members for their forbearance because I have had a lot to learn in following standing orders. I come from a very different political culture. I come from the Greens. I have come from a history of working in social movements. There we tend to try to seek consensus, we look for agreements amongst us and we work from there. Here I find that, even where there is agreement, the focus is on the differences and that those are maintained, even where it is often very difficult to see that the difference is at all significant. But it seems to be very important to both the major parties to dwell on that. I am absolutely unconvinced this is the most constructive and effective way to do politics. You are going to have to spend the next four years convincing me that it is, and I am going to spend the next four years convincing you that there are other ways and possibly better ways of doing politics.

I did expect to play a greater role in this Assembly and, of course, I thought that the committee system offered that potential because I saw Kerrie working in the committee system and I participated in it in various ways myself—through submissions, through reading the reports. I came into the Assembly with goodwill, actually expecting that my own expertise would be welcomed and I would be invited to contribute where I could be most helpful. Interestingly enough, I find myself on those committees where I will have the steepest learning curve. Nonetheless, I undertake to do the learning that is required, and you can be sure that I will participate strongly, I will learn and I will contribute to those committees and I will provide a very critical lens to the work that we do.

I found that I absolutely enjoyed the sittings. To me the sittings were perhaps the most challenging part of being an MLA, but I am very keen to rise to the cut and thrust of debate and I will be a willing participant. I most particularly enjoyed those debates where people have talked from a sense of real passion. I found that last debate most—I do not want to use the word “enjoyable” because I am sorry that it failed—to be the real business of what this place is about. I have experienced frustration when political game plans become the order of the day.

I look forward to getting to know everyone better through work and social events, and I hope that you all have a great Christmas break and a great holiday. But since I am pretty sure I am going to see you on the stairs tomorrow or at Speaker’s drinks, I do not want to get too strong and heavy about that, because I will probably be saying it over and over again. Nonetheless, I do hope you do.

Crime Valedictory

MR STEFANIAK (Ginninderra) (6.18): Firstly just a little business, and I am glad Mr Hargreaves is here. Before I get down to the matter Vicki addressed, I might congratulate him formally on becoming a minister. I was delighted that that occurred, and I congratulate Mr Hargreaves on a well-deserved promotion to the frontbench.

Now I will speak on that matter. I was rung by a constituent who lives in Reid—not in my electorate—who has taken all the precautions necessary to make his house safe. His family live there, and it has alarms, et cetera, but he has been burgled twice now in the last six months. He was concerned about the second occasion because one of the children of the next-door neighbours followed the burglars, who were doing the three houses very quickly in the street, to some flats at the corner of Elimatta Street and Ainslie Avenue—and they back onto Allambee Street.

This constituent did not know the actual number or whatever, but he made some inquiries and found out that the police did come but indicated that there was not a huge amount they could do and they apologised for being understaffed—we get back again to police numbers. They offered him counselling and said there was not much more he could do, but he wanted more than that. He indicated that there was little they could do in terms of following it up, even though they did interview the young man, I think, who lived next door.

This constituent is aware—he has made some inquiries—that in the last 12 month there had been a decision by Housing to put a lot of people who were just out of jail, people with significant drug problems, in this bunch of flats. I know people have to go somewhere, and that is a difficult issue, but I would ask the minister to look into that. The next day, apparently, his wife was home and there was someone in the front and someone in the backyard. She managed to disturb them and they went away. There have been some problems for those who are residents of that area of Reid with, it seems, the same group of people. They seem to have been responsible for quite a few recent burglaries there. If the minister is nodding, he could look into that and that would be great. I can give him the name of this person if his office wants to follow it up. I thank him for that.

I am not going to mention everyone because my colleague and leader, Mr Smyth, has done that most ably, as he always does. I do not think he has left out anyone, so I am hardly going to name them again. I might just take this opportunity to wish everyone involved in this Assembly—staff, members, the community—all the very best for Christmas. I will personally just thank my own staff and, indeed, my family for putting up with me. It is not an easy task at times.

Mrs Dunne: That's a big ask!

MR STEFANIAK: It is a big ask. But I certainly greatly appreciate the support not only from my staff but from family—yes, all right, and my colleagues too. I will just mention all members in the Assembly and wish everyone a very merry Christmas. I hope to see everyone back here next year and give a particular welcome to all of our new members. Deb, I think you will pick things up very quickly. I am delighted to have you on the legal affairs committee. You are already asking a few good probing questions.

To Deb and all the other new members—especially my party colleagues, Richard Mulcahy and Zed, who have already made a very significant contribution in the first week of the Assembly—welcome to the Assembly. I am sure everyone is going to contribute significantly next year. May you all have a great Christmas and a very safe Christmas-New Year period. See you all next year.

Youth programs Valedictory

MS PORTER (Ginninderra) (6.21): While we are talking about Christmas, I rise in the adjournment debate to mention two important programs that just recently I have been fortunate to be exposed to. These two programs involve the young people of the ACT. As Christmas approaches we should be very cognisant of our young people.

Recently I, on behalf of the minister for education, was fortunate to speak to the graduation students of the ACT government's eclipse program at the Canberra College. The eclipse program is a fine example of the way this government provides quality, flexible and appropriate educational opportunities to students.

The students involved in the eclipse program often struggle with the strenuous academic rigour of high school studies. These are not unintelligent or wilful young people. However, we all have different learning styles. The eclipse program offers these young students a supportive environment in which they can explore these different learning styles, gain more confidence and self-esteem, and experience success.

Mr Speaker, as you may know, I am the former CEO of an organisation that manages the spice program, also funded by this government. The spice program is complementary to the eclipse program and offers valuable mentoring for these young people in the workplace. I therefore appreciate the very real value of the eclipse program. As I said before, I congratulate this government for its funding of the eclipse program and I congratulate all of the graduating students.

I would also like to take this opportunity to tell the house about a graffiti arts program. On behalf of Mr Hargreaves, I recently attended the opening of a display of aerosol artwork and presented certificates to young artists at a celebration that marked the end of a trial of a graffiti arts program.

This program was initiated in a constructive effort to reduce the spread of illegal graffiti in Canberra. It involved young people up to the age of 18. These young people attended weekly workshops in which they were given the opportunity to further their creative skills and they were provided with a legitimate outlet for their considerable artistic talent.

I was very impressed with the artworks created by these young artists. They were dynamic and full of vitality. I am hopeful that many of them will go on to continue their art. Once again, I am very pleased that this government has taken an active approach to dealing with graffiti in Canberra. At the same time, it is providing an appropriate outlet for young artists to display their talent.

I commend to the Assembly both the eclipse program and the graffiti art workshops. Along with everybody else, I thank all the members of this place, our staff—my own staff and the other staff that have assisted me since I have been here—my colleagues on this side of the house and the people that voted for me to be here. I would like to thank them all for this experience that I have had over this short period. I wish you and all my constituents all the best for the festive season.

Valedictory Footpaths

MR MULCAHY (Molonglo) (6.25): I will be brief. I would like to formally convey my good wishes to you, Mr Speaker, the members and officers of the Assembly and, indeed, all the other staff of the Assembly, as well as the parliamentary staff that serve all of us so well.

I would like to place on record my special thanks to the Clerk and his team. As a new member, the assistance and guidance you receive in the early stages is not insignificant. I have nothing but praise for the help that has been provided by that office in assisting me to understand my requirements, compliances and procedure.

I do not see the need to go through all the issues I raised in my inaugural speech, but I reiterate my thanks to my family for their support. They make major sacrifices in all cases. Their support was so pivotal in securing election to the Legislative Assembly.

I thank the people of Molonglo, who have been generous in their support in attracting the highest vote of any of the Liberal team. I am very determined to ensure that they are pleased with the performance that I deliver on their behalf over the session of this parliament.

I am looking forward to the new year with the various extensive shadow responsibilities that have been allocated to me. I am pleased that, as from today, with my being elected chairman of the public accounts committee, we will have the opportunity to work closely in reviewing the workings of government and administration.

Whilst I know the custom in these addresses is not to delve too much into policy matters—and I will not—I would like to say that I was pleased to hear the Minister for Urban Services announce in his presentation today that there will be \$4 million more for footpaths.

In the Christmas spirit, I very much hope that those older suburbs—the inner suburbs—will be looked after. I know that there is sometimes a perception that many of the people living in those areas are especially wealthy, but I think that the footpaths there need special attention. I am thinking particularly of Forrest and Yarralumla. Many residents of those suburbs have raised this issue.

In fact, I can tell you that nearly 10 per cent of the entire adult population of Forrest has written to me raising issues related to deteriorating footpaths, poor lighting and guttering in particular. That is a significant number of people who have put pen to paper; it rarely happens these days.

Mr Hargreaves: Is that the survey?

MR MULCAHY: That was the survey; yes. The survey initiated letters; people were not just replying to questionnaires. I received three reports of individuals being assaulted in the area on their way home from Manuka in the evening. That is troubling. There is an

expectation that, if these matters can be looked at favourably, it will help in relation to safety.

A number of older residents live in these areas. They have indicated that they have fallen and they have cited various streets that are a problem. Improvements in this area and the minister's consideration of this particular part of Canberra would be well appreciated, I know, by the residents of Forrest and Yarralumla.

Valedictory

MR SESELJA (Molonglo) (6.28): I will be brief. Recently, there has been a bit of debate about how we celebrate Christmas and how much emphasis we put on it, given that we have people from many different backgrounds and many different faiths in our society.

I place on record my belief that Christmas is an important part of our culture for Christians and non-Christians alike. It is part of Australian culture and it is something that we should celebrate. We should not downplay it in any way. It is a great unifying thing. I do not think that people from other faiths are in any way offended by the celebration of Christmas. As a society, we should do that and do it with pride. It is a great part of our upbringing.

I know that most Australians really look forward to Christmas: they look forward to spending time with their families and they look forward to celebrating it in the way that they choose to. I will not say much more about that. I just place on record that I think we should feel free to celebrate it. I do not think it offends anyone.

I would especially like to thank all the Assembly staff that have helped me settle in over the past few weeks. I have really enjoyed this first sitting week. The Assembly staff have been fantastic. I place on record my gratitude to them. I thank Mr Corbell and his staff for arranging briefings for me.

We have not got to the briefings with Ms Gallagher, but I thank her for making me feel welcome at the functions we have been at together. Sometimes it has just been Katy and I—no-one else has shown up. I thank them for their goodwill. Mr Speaker, thank you and I wish you and your family a merry Christmas. I wish all members—my colleagues, those across the chamber and Dr Foskey—a very merry, happy and safe Christmas. I thank my staff—Justin and Ryan—and I wish my family, all my constituents and all the people of Canberra a very safe and merry Christmas.

Chris Uhlmann Valedictory

MRS DUNNE (Ginninderra) (6.30): Yesterday, when the untimely adjournment occurred, I was about to note the success of the ABC in the Canberra Film and Television Council awards and the program *Stateline* in particular for the documentary "Where there's smoke". The person who was instrumental in that was Chris Uhlmann. As people would know, Chris has spent five years doing the morning show at the ABC with David Kilby. But, after many years in the media and the ABC, he has decided that he needs a change of lifestyle and will be moving to Melbourne.

I count Chris as a friend. I use this opportunity to wish him well. Whilst I know Chris as a friend, he is also a consummate journalist. He treats everyone in this place with fairness. That means that sometimes he does things that you do not particularly like. But he always does it with fairness, and you know that what goes around comes around. Chris is a consummate journalist. He has been involved with journalism in relation to the Legislative Assembly since it began, except for a brief time when he was a staffer here. I wish him and Gay every success in Melbourne.

But to the matter of the season: over the years it was a habit of my mentor, Gary Humphries, to allocate gifts notionally on this occasion, and I have taken up the mantle. Mr Quinlan tends to do it, but he is not here. Mr Speaker, I know that you are very good with do-it-yourself, so I think that you should be given a cordless drill for Christmas, and all the rest of your Christmas presents should come in flat packs. I think the Chief Minister needs a good biography of Sir Thomas More so that he can find out how the chief law officer should work.

I think the Leader of the Opposition, who has gone to his wife's birthday—I know he is getting a new knee, but that is an early Christmas present—should get two bottles of whisky: a good one and bottle of 100 Pipers for when he chooses to adulterate it with coke or dry. Last year, it was suggested to Santa that Mr Quinlan get a frisbee. It has been reported to Santa that he has not even taken it out of the wrapping yet. This year Santa should give him a bit more enthusiasm.

I think that Bill Stefaniak should come to terms with his feminine side and get a macrame kit. I was going to suggest to Santa that Mr Corbell needed a new bike for his new-founded enthusiasm for bicycles paths; but, after today, I think he would be better off applying himself to a guide to the ACT leasehold system.

I wish that Santa should deliver to Katy Gallagher what I wish for myself; that is, one day in bed—breakfast in bed, lunch in bed, dinner in bed, a good book and a remote control. Mr Hargreaves seems to have taken advantage of the present that Santa brought him last year, which was *The art of war*. Seeing as he has been such a good reader, I think that this year it should be *The complete angler*, along with an ankle brace.

To Mrs Burke, a guide and pattern book for crocheting booties; and to Mr Pratt, a new immune system. Ms MacDonald probably should not get a present because of her religious convictions, but as a Hanukkah present we should give Ms MacDonald a new whip so that she can impose discipline.

To the new members, Mr Speaker: to Mr Gentleman, after Saturday's performance, Jane's guide to sailing; to Ms Porter, a volunteer to cook and clean for the holidays; to Dr Foskey, given her connection with the forest debate, a wollemi pine in a pot; to Mr Mulcahy, who lobbed the best grenade of the week when he divulged to the Assembly that he used to be a member of the Labor Party, Jane's guide to modern armaments.

I really strained myself to think what we could give Mr Seselja, who has enjoyed himself so much this week. I thought perhaps it should be an icon of St Blaise, who, I understand, is the patron saint of Croatia. But on careful consideration I decided it should

be a new Zorro mask, hat and cape. Mr Speaker, to all members and to staff: thanks and merry Christmas, and a happy and holy new year.

Valedictory

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.35): I rise to repeat all the good wishes that have been given to members and particularly to all the staff here who help us with our jobs. At times I do not know how they keep sane.

I also acknowledge the staff in all the agencies for which I have responsibility. I will start with the Department of Education and Training. Thank you to all the staff there. I particularly acknowledge Tim Keady and Mike Zissler, who has acted as chief executive this year. I particularly thank the executive team there. It has been a difficult year with leadership change, but everyone has worked very hard to make sure that the business of education keeps going strong in the ACT. Thank you also to staff at the central office and, of course, the teachers who work so hard all school year round.

To the staff in the Office for Children, Youth and Family Support; to Julie McKinnon and the executive team there, thank you. They have created a new agency this year and they have put care and protection, youth services and services for children back on a new track. I cannot underestimate the work that has gone into that and I really appreciate it.

To staff at the CIT, thank you—an excellent year. To CMD, to the Office of Industrial Relations, to the Public Sector Management Group and to the Office for Women, thank you very much for your efforts. It has been a big year for everyone there. Thank you to staff at WorkCover and to the Occupational Health and Safety Commissioner, who have all, along with the Office of Industrial Relations, been dealing with some major legislative change in their area.

It has been a tough year for some of my agencies. Today there has been the announcement of a new head for the Department of Education and Training—Michele Bruniges, who is coming to us from New South Wales—and, in the area of the Office for Children, Youth and Family Support, Louise Denley, is coming to the ACT from South Australia. I know that we will make both of those women very welcome in our community here. I look forward to working with the staff in my agencies again next year.

I also thank the staff in my office who help me do my job. This year I acknowledge my family, particularly my mother and my daughter. It has been a difficult year for them as well.

Sustainable transport plan

Valedictory

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (6.37), in reply: I start this evening by making some comment on a press statement released today by the conservation council of the ACT and the cyclist organisation Pedal Power ACT. Today these two organisations have released the first of the report cards which are

proposed to be released at regular intervals on implementation of the ACT's sustainable transport plan.

Today I was very pleased to see that both organisations have given a big thumbs up to the government, not only for the plan but also, and more importantly, for its initial implementation. They say that the sustainable transport plan makes the grade. They have given the ACT a seven out of 10 mark for its progress in implementing the transport plan. This is a solid result and one that shows that we are making an excellent start.

Indeed, both organisations say, "We rate the government as having made a respectable start, good progress in some important areas but lagging a little in one or two other areas; eg, cycle map and traffic signal management." I am really pleased that the conservation council and Pedal Power have sought to highlight the government's ongoing interest in implementing the sustainable transport initiatives.

Transport, particularly private motor vehicles, is one of the major consumers of energy in Canberra and rates second behind household energy use as the biggest contributor to greenhouse gas emissions in the territory. The government's sustainable transport plan is designed to address these issues. I am very pleased that these two very important organisations, the conservation council and Pedal Power, have given our implementation and the plan itself a big thumbs up.

I join members in congratulating everyone who has been returned to the Assembly or elected to the Assembly for the first time. The other day I was reflecting on the fact that I am coming up to seven years in this place, which seems a little bit unbelievable for me. By the end of this term it will be 11 years, which is a somewhat frightening prospect in some respects. Nevertheless, to be in this place is a privilege that we have: to make the argument and to progress the agenda that we believe is in the best interests of the people of Canberra.

I extend my best wishes to all members of this place for a safe and peaceful holiday season. I also extend my thanks to staff in my office, to my colleagues and particularly to the people in the ACT government departments for which I have responsibility. I have found their professionalism and the relationships I have developed with all of them to have been very conducive to achieving the agenda to which the government is committed. I feel that I have made—perhaps friends would be too personal a term—companions on a journey towards implementing some very important policies for the ACT. I trust everyone has a safe and peaceful holiday season.

Valedictory

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I seek leave to speak.

Leave granted.

MR STANHOPE: I beg members' pardon for that. I thank you for your indulgence. I simply wish everybody the best for the holiday season. I echo the sentiments of every other member of the place in this debate in saying I hope that all members have a safe

and peaceful holiday period. I extend that wish to everybody that serves the Assembly in whatever way—all those involved with the operation of this parliament. I extend that wish, as my colleagues have, to all of the members of the ACT public service, who are fundamental to the wellbeing of Canberra, and to all citizens of Canberra, the place that we serve and call home. My wish is for a safe and happy season for members of the place, all those who serve it and indeed all Canberrans.

Question resolved in the affirmative.

The Assembly adjourned at 6.42 pm until Tuesday, 15 February 2005, at 10.30 am.

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Answers to questions

Government—media monitoring (Question No 2)

Mr Smyth asked the Chief Minister, upon notice, on 7 December 2004:

What is the total amount of funds expended by the A.C.T. Government on media monitoring across all A.C.T. departments.

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

- (1) On 1 July 2004, a new whole-of-government Client Services Agreement came into effect between the ACT Government and the media monitoring company Rehame.
 - (2) Over the life of this 12-month agreement, ACT Government agencies will pay a total of \$38,400 (GST inclusive), or \$3,200 per month. This is a significant reduction on the amount paid under previous arrangements.
 - (3) Transcripts of interviews, television clips and press clips are provided by Rehame at an additional cost, as required.
 - (4) These media monitoring services and reduced rates negotiated under the new Client Services Agreement are open to all Members of the Legislative Assembly.
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Health—panic disorders (Question No 3)

Mr Smyth asked the Minister for Health, upon notice, on 7 December 2004:

- (1) What (a) health specific and (b) support services are available to those in the A.C.T. who suffer from panic disorders;
- (2) What percentage of the health budget is directed to assisting those with panic disorders;
- (3) Why is it that those with panic disorders in the A.C.T. feel like they have no where to turn for support in times of crisis, as conveyed to me by a constituent who suffers from severe panic disorder.

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

- 1a. Mental Health ACT provides clinical services to consumers with moderate to severe mental health issues. This includes consumers suffering from Panic Disorder or experiencing panic attacks associated with other mental health issues. Service provision includes clinical management and crisis intervention through the community based regional teams, the Crisis Assessment and Treatment Team and inpatient services.

Mental Health ACT also provides an 8 week "Managing Anxiety" course at Ward 2N in Calvary Public Hospital.

Calvary Health Care provide an Anxiety Management Therapy Program through the Hyson Green Day Program that supports consumers experiencing social phobia, of which panic attacks may be an associated symptom.

- 1b. Support services available for consumers experiencing panic attacks in association with panic disorder or other anxiety related disorders, include:
 - Depression and Anxiety Support Group: Mental Health Foundation
 - Obsessive Compulsive Disorder Support Group: Mental Health Foundation
 - Road Trauma Support: Centre for Road Trauma Support
 - ANU Psychology Clinic: ANU School of Psychology
 - Referral and Support services: Mental Health Foundation, the ACT Consumer Mental Health Network, Carers ACT, Women's Information and Referral Centre and many other community based agencies.
2. The ACT Health budget is directed to assisting consumers across the range of mental health disorders based on clinical assessment, regardless of diagnosis.
3. People with panic disorders or other mental health disorders have access to a range of services and should be encouraged to approach Mental Health ACT or one of the referral/support agencies listed above.

Motor vehicles—seniors registration concessions (Question No 4)

Mr Smyth asked the Minister for Urban Services, upon notice, on 7 December 2004:

- (1) Why is the seniors concession for motor vehicle registration not being automatically deducted from the cost of registration renewal unless the person concerned specifically requests a new registration fee calculation, even though the motor vehicle registration renewal form states that the person is entitled to a seniors concession;
- (2) Can a refund be provided to those seniors who were entitled to concessions on previous motor vehicle registration renewals but, not knowing they had to specifically ask for the concession rate, inadvertently paid a higher rate for registration; if not, why not.

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

- (1) Where a motorist has previously notified the Road Transport Authority of an entitlement to a seniors concession, the concessional registration fee is shown on the registration renewal reminder notice. The concessional registration fee is charged at the time of renewal. This has been the situation since 17 September 2004.
- (2) Refunds will be granted to seniors who were entitled to a concession, but not provided a discount, at the time of renewing their registration. However, it is believed that very few motorists would have missed out on their seniors' concession as rego.act prompts staff to ask if the applicant is still entitled to the concession at the time of renewal. In the unlikely event that mistakes do occur, senior concession holders should contact Canberra Connect on 132281 to arrange a refund

Housing—tenant obligations (Question No 8)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 7 December 2004:

What will the Minister do to ensure that Havelock Housing tenants meet their obligations under the Tenancy Act in relation to ensuring that other tenants are not adversely affected and are allowed to enjoy the peace and quiet of their own homes, following on-going complaints over many months from residents and other Housing A.C.T. tenants from across Canberra regarding difficult and disruptive Havelock Housing tenants.

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

Havelock Housing Association is required to offer tenancy agreements which comply with the *Residential Tenancies Act 1997*.

Under the terms of the *Residential Tenancies Act 1997*, disturbances are a breach of the standard terms of the tenancy agreement.

Where disturbances are identified, the lessor, Havelock Housing Association, works with tenants to assist them to identify options which will support them to meet their obligations under the Residential Tenancies Act. This includes offering mediation and conflict resolution services, referring tenants to appropriate support services and in some cases, arranging the transfer of tenants to more appropriate premises.

As a responsible and experienced property manager Havelock Housing Association is aware of its obligations and responsibilities as a landlord when any of its tenants exhibit disruptive behaviour.

Housing—shortages (Question No 9)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 7 December 2004:

- (1) Was Petree Pty Ltd awarded a Research and Development Grant for \$200 000 around 2001 to find solutions to the social, affordable and adaptable housing shortage in Canberra; if so, can he advise what progress has been made, to date, on the submission put forward to the Government by Petree Pty Ltd in its response to addressing and meeting the shortage of public, social, affordable and adaptable housing crisis in the ACT;
- (2) Is the Government considering partnering with Petree Pty Ltd to begin to tackle the public and social housing problem given that there are not other competitors in the field;
- (3) Will the Government be prepared to work with the Liberal Party and cross benches to pursue opportunities for public, social, adaptable and affordable housing; if so, how will it progress this suggestion.

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

(1) Yes.

Petree Pty Ltd received a grant to the value of \$202,000 (GST inclusive) under the ACT Research and Development Grants Scheme in August 2000. Under this grant, two prototype affordable housing dwellings were constructed by Petree Pty Ltd and were completed in 2002. The dwellings demonstrated low cost manufacturing and construction methods through the design, manufacturing and assembly of factory fabricated buildings. Officers from both the Department of Disability, Housing and Community Services and the Land Development Agency have visited Petree Pty Ltd's site to view their construction project. The site is not open for display to the general public.

(2) Petree Pty Ltd is eligible to tender for ACT Government construction projects under the same conditions as other building and construction companies in the ACT.

(3) This Government is always happy to discuss housing issues with other members of the Legislative Assembly.

**Housing—abused interstate women
(Question No 10)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 7 December 2004:

How many women claiming to be abused are currently coming from interstate into the A.C.T. and applying for housing, then subsequently being placed at the top of the housing list.

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

Under the Public Rental Housing Assistance Program applicants are housed in order of their priority category and date of application. As a result of this, women fleeing domestic violence and moving to the ACT are placed in the appropriate registration date order on the housing waiting list and not at the top of the list.

**Drugs—diversion program
(Question No 12)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 7 December 2004:

- (1) Did the Government announce a \$70 000 new drug diversion program in January 2002; if so, how many people have been referred to drug treatment programs via the drug diversion program since its inception;
- (2) What is the breakdown of (a) males and (b) females who have been treated through the drug diversion program;
- (3) Of those treated, were any under the age of 18; if so, how many;

- (4) What is the feedback from the (a) AFP and (b) ACT Health on how this program is working;
- (5) Have any persons who have been treated by the drug diversion program been found by police to be in possession of drugs again; if so, (a) how many and (b) what was their penalty the second time round;
- (6) Are all those sent through the drug diversion program willing participants; if not, what happens to those who are not willing participants;
- (7) Have any staff been hurt (a) physically or (b) mentally, as part of this program;
- (8) How much has the drug diversion program cost the Territory to date;
- (9) What amount of funds has been allocated to the program this financial year.

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

- (1) Yes, 85 people have been referred to the program since its introduction.
- (2) The breakdown of male/females referred to the Drug Diversion program is as follows:

	Male	Females
2001/2002	6	2
2002/2003	8	2
2003/2004	43	10
2004/2005	12	2

- (3) Yes. Of those referred to the Drug Diversion program, 27 were under the age of 18.
- (4) (a) The AFP believes that the program delivers benefits and to this end reapplied for funding for 2004-2005 and is awaiting final approval. The program ensures that the approach to illicit drug use in the ACT remains consistent with the principles of harm minimisation. The Drug Diversion process also has the advantage of directly intervening in the cycle of drug misuse and crime.
(b) The Minister for Health will be providing this response in Question on Notice 11.
- (5) The number of persons that have been referred to the Drug Diversion program and have re-offended in relation to drugs is nine. It should be noted that one of these people did not comply with the requirements of the program. ACT Policing officers may issue a Simple Cannabis Offence Notice, summons or arrest in response to a person re-offending in relation to drugs while on the program. Other penalties following the issue of a summons or an arrest are determined and imposed by the court.
- (6) Yes. All participants who are referred to the Drug Diversion program must consent to attend the program. Persons declining to attend the program are cautioned, issued with a Simple Cannabis Offence Notice or summonsed to attend court.
- (7) There have been no police members hurt as part of this program. The offences relating to the Drug Diversion program are presumed to be victimless in nature, that is, the offender is not directly causing harm to others, only to themselves.

- (8) The following funds were received by the AFP through the Public Health Outputs Funding Agreement. The funding period for each year is 10 October – 9 October the following year.

2001/2002	\$70,000 excluding GST
2002/2003	\$70,000 excluding GST
2003/2004	\$70,000 excluding GST
	\$12,220 excluding GST communications strategy
	\$ 8,070 were received through ACT Health from 9 Oct – 30 Nov which will be deducted from 2004/2005 funding when approved for the 2004/2005 period

- (9) The funds requested for 10 Oct 2004 – 9 Oct 2005 is \$94,530. This funding is pending approval.

Finance—land tax (Question No 14)

Mr Mulcahy asked the Treasurer, upon notice, on 7 December 2004:

What audit methods are being applied to ensure interstate investors pay their systematic tax on land in relation to rental properties.

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

The ACT Revenue Office conducts a vigorous compliance program.

Rental property information is data matched with information held in the rates database. Any discrepancies relating to land tax liabilities are investigated.

Data matching information against other agency databases is also conducted.

Finance—land tax (Question No 15)

Mr Mulcahy asked the Treasurer, upon notice, on 7 December 2004:

- (1) Further to the 2004-05 Budget initiative '*Reducing the residential land tax rates and increasing AUV thresholds*' and the new land tax bracket AUV for residential properties less than \$50 000, what is the number of residential properties valued below \$50 000;
- (2) What has been the revenue forgone from the lower tax rate on these properties;
- (3) By how much has the AUV threshold in the higher tax brackets been raised, please provide details for each tax bracket;
- (4) What is the number of residential properties affected by the increase in each AUV threshold;

- (5) What has been the increase in taxation revenue from those properties affected by AUV threshold increases.

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

- (1) The number of residential properties with a 2004 AUV below \$50,000 is 8,508.
- (2) The revenue foregone on land taxable residential properties with a 2004 AUV less than \$50,000 is \$486,359.
- (3) The table below compares the 03/04 and 04/05 land tax AUV thresholds:

Residential Properties		Commercial Properties	
AUV threshold value 03/04	AUV threshold value 04/05	AUV threshold value 03/04	AUV threshold value 04/05
-	up to \$50,000	-	-
up to \$100,000	\$50,001 to \$125,000	up to \$100,000	up to \$125,000
\$100,001 to \$200,000	\$125,001 to \$225,000	\$100,001 to \$200,000	\$125,001 to \$225,000
\$200,001 and over	\$225,001 and over	\$200,001 and over	\$225,001 and over

- (4) The number of land taxable properties affected by the AUV threshold from \$100,001 to \$125,000 is 3379. The number of land taxable properties affected by the increase in threshold from \$200,001 to \$225,000 is 849.
- (5) The rise in AUV thresholds reduces the amount of tax payable at any given property value. Therefore there has not been any increased taxation revenue from the threshold changes. In fact, it has reduced the tax payable at any given property value.

Public service—wages and salaries (Question No 16)

Mr Mulcahy asked the Treasurer, upon notice, on 7 December 2004:

- (1) What has been the aggregate amount of public sector wages and salaries paid in (a) 2000-01, (b) 2001-02, (c) 2002-03 and (d) 2003-04;
- (2) What is the expected aggregate amount of public sector wages and salaries to be paid in 2004-05;
- (3) Of the amounts in parts (1) and (2), what is the amount of public sector wages and salaries paid and payable in the (a) Health, (b) Education, (c) Urban Services and (d) Chief Minister's Departments.

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

- (1) The aggregate amount of public sector wages and salaries paid on a whole-of-government level are:

Wages and Salaries	2000-01 \$m (Actual)	2001-02 \$m (Actual)	2002-03 \$m (Actual)	2003-04 \$m (Actual)
Whole-of-Government	674.5	704.4	752.3	860.7

Note: This does not include superannuation

- (2) The expected aggregate amount of public sector wages and salaries to be paid in 2004-05 is \$912.2 million.

Employee expenses, of which wages and salaries are a major component, are expected to rise to \$966.2 million (as reported in the 2004-05 Pre-Election Budget Update). This is an increase of \$8.9 million from the amount reported in the 2004-05 Budget Papers of \$957.3 million, indicating the impact of finalised wage negotiations and the amendment to Appropriation Bill 2004-05 for additional funding to the Office for Children, Youth and Family Support.

- (3) The amount of public sector wages and salaries (excluding superannuation) paid and payable on agency level are:

Wages and Salaries	2000-01 \$m (Actual)	2001-02 \$m (Actual)	2002-03 \$m (Actual)	2003-04 \$m (Actual)	2004-05 \$m** (Budget)
ACT Health *	177.8	196.6	199.1	233.8	254.5
Department of Education and Training	201.2	209.7	221	249	236.9
Department of Urban Services	57.6	62.6	65.9	61.7	69.6
Chief Minister's Department	12.6	15	16.1	19.8	20.9

* Note that for comparative purposes, historical results also include The Canberra Hospital and ACT Community Care.

** Note that the 2004-05 estimate does not incorporate the impact of recent AAOs, as these are yet to be finalised at the level of detail requested.

Police force—off duty speeding fines (Question No 22)

Mr Pratt asked the Minister for Urban Services, upon notice, on 7 December 2004:

- (1) Is there any leniency for off duty police officers who are caught speeding in escaping with no penalty from that offence;
- (2) If so, is the leniency shown any different to the average motorist who appeals a speeding fine;

- (3) How many police officers have been fined while off duty in (a) 2001-02, (b) 2002-03 and (c) 2003-04;
- (4) On how many occasions referred to in part (3) has a more senior officer written to the Department of Urban Services or the Police Camera Unit to seek an officer be exonerated from a fine;
- (5) On how many occasions referred to in part (3) has an officer escaped punishment for speeding and what were the reasons given for the speeding offence in the first place.

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

- (1) Any appeal or dispute for the Camera Infringement Notice (CIN) is dealt with by the Australian Federal Police (AFP).
- (2) Response as per question 1.
- (3) The Traffic Camera Office does not hold information on the employment status of any individual issued with a CIN.
- (4) The Department of Urban Services has no record of any letters fitting the description in the question as all appeals or disputes are handled by the AFP.
- (5) Response as per question 1.

**Police force—off duty speeding fines
(Question No 23)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 7 December 2004:

- (1) Is there any leniency for off duty police officers who are caught speeding in escaping with no penalty from that offence;
- (2) If so, is the leniency shown any different to the average motorist who appeals a speeding fine;
- (3) How many police officers have been fined while off duty in (a) 2001-02, (b) 2002-03 and (c) 2003-04;
- (4) On how many occasions referred to in part (3) has a more senior officer written to the Department of Urban Services or the Police Camera Unit to seek an officer be exonerated from a fine;
- (5) On how many occasions referred to in part (3) has an officer escaped punishment for speeding and what were the reasons given for the speeding offence in the first place.

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

- (1) Under the normal process for issuing traffic fines, off duty police officers and other members of the community are not identified by their occupation, and police are treated like any other community member who is found to be speeding.

- (2) Not applicable, refer to (1).
- (3) Not applicable, refer to (1).
- (4) Not applicable, refer to (1).
- (5) Not applicable, refer to (1).

**Police force—leave and postings
(Question No 24)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 7 December 2004:

- (1) How many (a) sworn and (b) unsworn A.C.T. police are currently on (i) stress, (ii) sick, (iii) injured, (iv) annual, (v) maternity and (vi) long service leave;
- (2) How many sworn A.C.T. police are currently on postings (a) overseas or (b) across Australia and at what sites are those officers serving.

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

- (1) The number of sworn and unsworn A.C.T. Policing members on leave as at Tuesday 7 December 2004 is depicted in the following table.

Type of Leave	Sworn	Unsworn	Total
(i) Stress Leave	3	1	4
(ii) Sick Leave	15	1	16
(iii) Injured	6	-	6
(iv) Recreation Leave	57	11	68
(v) Maternity Leave	2	1	3
(vi) Long Service Leave	1	-	1
Total	84	14	98

- (2) (a) and (b) There are no sworn A.C.T. Policing members currently on postings overseas and across Australia funded by the A.C.T. Government. A.C.T. Policing members deployed overseas or to Australian Federal Police national postings are transferred off the establishment and are not funded by the A.C.T. Government. As a result those personnel are not included within A.C.T. Policing staffing figures for the duration of such deployments.

It is too resource intensive to determine the number of A.C.T. Policing members currently traveling interstate or overseas in connection with A.C.T. investigations for evidentiary or court purposes.

**Computers—digital divide program
(Question No 33)**

Mrs Burke asked the Minister for Multicultural Affairs, upon notice, on 8 December 2004:

Did a recent announcement in *The Canberra Times* on 18 November 2004 state that 'Forty community sector organisations will receive funding to upgrade their computer equipment under an A.C.T. Government digital divide program. The Government offered 142 organizations up to \$1,000 each to upgrade their computers and Internet equipment last August'; if so, can the Minister provide information on names of the (a) 40 community sector organisations who received funds and (b) 142 organisations that received \$1 000 each to upgrade their computers and Internet equipment in August.

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

Yes – an article did appear in *The Canberra Times* on 18 November 2004 however the information was incorrect and was clarified by a Media Release on 19 November 2004.

The IT Upgrade for Community Organisations initiative offered recognised community organisations an Information Technology (IT) upgrade, *to the value* of \$1,000

At the time of *The Canberra Times* article 40 organisations had accepted the offer.

a) To date , a total of 44 organisations that have accepted the offer are:

1. ACT Mental Health Consumer Network
2. ACT Multicultural Council Inc
3. ACT Playgroups Association
4. AGS Group (Adaptable Housing Advisory service) access ADAPT
5. Alcohol & Drug Foundation ACT Inc ADFACT
6. Anglicare Youth and Family Services
7. Australian Breastfeeding Association
8. Barnardos Australia
9. Belconnen Community Service
10. Canberra Blind Society
11. Canberra Men's Centre
12. Canberra Pensioners Club
13. Canberra Senior Citizens
14. Care Inc Financial Counselling Service
15. Castlereagh House
16. Centacare Archdiocese of Canberra and Goulburn
17. Children's Services Resource & Advisory Program ACT Inc
18. Citizens Advice Bureau ACT
19. Coalition of Community Housing Organisations of the ACT
20. Foster Carers Association
21. Gallilee Incorporated
22. GROW
23. Gungahlin Community Council
24. Hartley Life Care
25. Havelock Housing Association
26. Karinya House for Mothers and Babies
27. Koomarri Association (two sites)
28. Lowana Young Women's Shelter
29. Majura Womens Group
30. Marymead Family Centre
31. Mental Health Foundation
32. Migrant Resource Centre
33. National Brain Injury Foundation
34. North Belconnen Community Association Inc

35. Parent Support Service Inc.
36. Pegasus Riding for the Disabled
37. Relationships Australia
38. Shaw Possibilities
39. SHOUT
40. Tuggeranong Community Arts Association
41. Tuggeranong Community Council
42. Winnunga Nimmityjah Aboriginal Health Service
43. Woden Community Service
44. Youth Coalition of the ACT

b) The 142 organisations, in addition to the six long standing ACT Community Councils, were initially offered the IT Upgrade. These organisations are:

1. ACT Eden - Monaro Cancer Support Group
2. ACROD
3. ACT Deafness Resource Centre
4. ACT Disability, Aged and Carer Advocacy Service (ADACAS)
5. ACT Division of General Practice Inc
6. ACT Duke of Edinburgh Award Young Australian Challenge ACT Division Inc
7. ACT Hepatitis C Council
8. ACT Hospice and Palliative Care Society Inc
9. ACT Mental Health Consumer Network
10. ACT Mental health network
11. ACT Multicultural Council Inc
12. ACT Playgroups Association
13. ACT Shelter
14. ACT Youth Refuge Association
15. ACTCOSS
16. Advocacy ACTION
17. AGS Group (Adaptable Housing Advisory service)
18. AIDS Action Council
19. Alcohol & Drug Foundation ACT Inc ADFACT
20. Alzheimer's Association
21. Anglicare Council
22. Anglicare Youth and Family Services
23. Australian Breastfeeding Association
24. Australian Red Cross Society
25. Baptist Community Services – Morling Lodge
26. Barnardos Australia
27. Belconnen Community Service
28. Belconnen Youth Centre Inc
29. Billabong Aboriginal Corporation
30. Canberra Blind Society
31. Canberra Community Housing for Young People (CCHYP)
32. Canberra Environment Centre
33. Canberra Institute of Technology - Skills for Carers
34. Canberra Men's Centre
35. Canberra One Parent Family Support
36. Canberra Pensioners
37. Canberra Police and Citizens Youth Club
38. Canberra Rape Crisis Centre
39. Canberra Schizophrenia Fellowship
40. Canberra Senior Citizens

41. Cancer Council ACT
42. CANFACS (Marymead)
43. Care Inc Financial Counselling Service
44. Carers Association ACT
45. Castlereagh House
46. Centacare Archdiocese of Canberra and Goulburn
47. Children's Services Resource & Advisory Program ACT Inc
48. Citizens Advice Bureau ACT
49. Citizen's Advocacy
50. CLAN
51. Coalition of Community Housing Organisations of the ACT
52. Communities @ work
53. Community Connections
54. Community Housing Canberra
55. Community Options
56. Community Programs Association
57. Community Radio 2XX
58. Companion House
59. Conflict Resolution Service
60. Conservation Council of the South East Region
61. Consumer Law Centre
62. Council on the Ageing, ACT
63. CREATE
64. Croatian Community Welfare Centre
65. CYFACT (Cystic Fibrosis Assoc)
66. Diabetes Australia - ACT
67. Directions ACT
68. Epilepsy ACT
69. FaBRiC - Family Based Respite Care Inc.
70. Focus ACT Inc
71. For You and Me
72. Foster Carers Association
73. Galilee Inc
74. Girl Guides Association Guides ACT
75. GROW
76. Gugan Gulwan Youth Aboriginal Corporation
77. Gungahlin Regional Community Service
78. Haemophilia Foundation ACT
79. Handyhelp ACT Inc
80. Hare Krishna
81. Hartley Life Care
82. Havelock
83. Home Help Service ACT
84. INALA
85. Inanna
86. Karinya House for Mothers and Babies
87. Kincare
88. Koomarri Association
89. Life without Barriers
90. Lifeline Canberra
91. Lone Fathers Association
92. Lowana Young Women's Shelter
93. Majura Womens Group
94. Manuka Occasional Childcare Centre Association Inc

95. Marymead Family Centre
96. Men's Link
97. Mental Health Foundation
98. Mental Illness Education ACT (MIEACT)
99. Migrant Resource Centre
100. Multiple Sclerosis Society
101. NAPCAN ACT
102. National Brain Injury Foundation
103. Ngunnawal Aboriginal Corporation
104. Noahs Ark
105. North Belconnen Community Association Inc
106. North Belconnen Day Care
107. Northside Community Service Inc
108. PANDSI (Post and Antenatal Depression Support and Information)
109. Paraquad
110. Parent Support Service Inc.
111. Pegasus Riding for the Disabled
112. People with Disabilities ACT
113. Pregnancy Support Service
114. Print Handicapped Radio
115. Relationships Australia
116. Respite Care ACT
117. Richmond Fellowship Australia
118. RSPCA
119. Salvation Army Incorporated
120. Scout Association of Australia ACT Branch
121. Sexual Health and Family Planning
122. Sharing Places
123. Shaw Possibilities
124. SHOUT
125. SIDS and Kids ACT
126. Smith Family
127. Southside Community Service
128. St Vincent De Paul Society
129. TAS Housing Incorporated
130. Technical Aid to the Disabled
131. Ted Noffs Foundation Inc
132. The Soup Kitchen
133. Toora Women Incorporated
134. Tuggeranong Community Arts Association
135. Tumladan Youth Accommodation
136. Uniting Care Mirinjani Village
137. Volunerring ACT
138. Winnunga Nimmityjah Aboriginal Health Service
139. Woden Community Service
140. Women's Centre for Health Matters
141. Youth Coalition of the ACT
142. YWCA of Canberra

ACT Community Councils

1. Belconnen Community Council Inc.
2. Gungahlin Community Council Inc

3. North Canberra Community Council Inc
 4. Tuggeranong Community Council Inc
 5. Weston Creek Community Council Inc
 6. Woden Valley Community Council Inc
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Housing—community access hours (Question No 34)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 8 December 2004:

- (1) Does the September 2004 quarterly performance report in Output Class 1, Output 1.1, Disability Services and Policy state in Note (1) that ‘some agencies have redefined the services they provide from community support to accommodation support’; if so, can the Minister explain the redefinition;
- (2) Was the first quarter year-to-date result for Community Access (hours of services) 84 803 yet the 2004-05 target was 63 756; if so, why did the target not better predict the number of community access hours provided according to the definition of client hours.

Mr Hargreaves: The answer to the member’s question is as follows:

- (1) The September 2004 Quarterly Performance Report in Output Class 1, Output 1.1, Disability Services and Policy does state in Note (1) the that ‘some agencies have redefined the services they provide from community support to accommodation support’. An explanation of the redefinition is as follows.

Disability ACT’s output targets for 2004-05 were based on outputs included in 2003-04 contracts. The targets for 2004-05 were set in May 2004, before the contract negotiations for 2004-05 had been completed. During the contract negotiation process, service providers were given the opportunity to revise the ‘service type’ of outputs provided to give a more accurate picture of services delivered.

Disability ACT purchases services for people with a disability through a number of mechanisms. One of these is through the provision of individual support packages to individuals who use the funds to purchase a range of services including community access, accommodation support or respite. These funds are often brokered through community agencies, and in 2003-04, funds allocated through this mechanism were included in the output figures as ‘community support’.

One of the major brokerage agencies informed Disability ACT that 100% of the funds it manages for 20 of our clients are spent on ‘accommodation support’ and that this service type provides a more accurate description of services purchased through this output. Disability ACT’s output figures were changed to reflect this, hence there was a shift of 20 people from “community support” purchased in 2003-04 to ‘accommodation support’ in 2004-05.

- (2) The first quarter year-to-date result for Community Access (hours of services) was 84,803 and the 2004-05 target was 63,756. As stated above, 2004-05 targets were based on the information provided in the 2003-04 contracts. During the 2004-05 contract negotiation process, Disability ACT was able to gather better data on the number of hours of

community access hours provided to individuals. It is predicted that the output for 'community access' will remain above the target figures for the rest of 2004-05 because of this. The target will be revised in 2005-06 based on the data gathered in 2004-05.

Disability ACT will continue to revise its targets based on information gathered through the contracting process.

Housing—waiting lists (Question No 36)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 8 December 2004:

- (1) Does the September 2004 Quarterly Performance Report Output Class 1, Housing Services, Output 1.1, Public Housing Services and Policy indicate that there is a reduction in the number of public housing tenants exiting public housing due to the tight private rental market; if so, can the Minister please explain what is being done to combat this trend to prevent the public housing waiting lists from continuing to escalate out of control;
- (2) Why has Housing A.C.T. failed to meet its target in relation to new clients/transfer visits;
- (3) Why was tenant satisfaction not been measured in the first quarter but is being conducted later in the year;
- (4) Why are there a high number of properties on the southside of Canberra experiencing long delays for routine maintenance;
- (5) What is the breakdown in costs for (a) tenancy management costs of \$4 341 000 for the first quarter and (b) property management costs of \$18 882 000 for the first quarter;
- (6) Which multi-unit properties is he referring to in the statement at point 6 of the notes accompanying Output Class 1 which states 'In particular, depreciation costs are below budget due to the revisions to the remaining useful life of certain multi unit properties, which has reduced the depreciation charge'.

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

- (1) Housing ACT is continuing to work closely to improve relations with tenants, Community Housing providers and the community to provide sustainable tenancies and sustainable communities in the ACT. There is no intention by this Government to combat the trend of an increasing number of successful tenancies in the social housing sector in order to prevent an increase in the Applicant List.

Last December, the Chief Minister announced an additional \$33M capital injection to increase the supply of social housing in the ACT. In the 2004-05 budget, a further \$20m capital injection over the next four years was identified. This represents a significant commitment from this Government to supporting and expanding the social housing sector.

The Government is also putting considerable effort into implementing the Public Housing Asset Management Strategy to ensure the properties available to applicants for social

housing meet their needs, rather than focussing only on the raw numbers of properties available which are generally accepted as being unsuited to the needs of social housing clients.

- (2) The figure referred to represents eight new tenancies created with Housing ACT in July 2004 that did not receive an introductory Client Service Visit. There are a number of factors that lead to this figure, including an inability to establish an appropriate appointment time for both the Tenant and the Housing Manager, unexpected events that prevented the Tenant being at the property at the appointed time and difficulty contacting the new Tenant to schedule the introductory visit.
- (3) Tenant satisfaction for 2004-05 is being conducted under the auspices of the Commonwealth State Housing Agreement 2003 - 2008. The national bi-annual survey is conducted in the latter part of the financial year.
- (4) The figures for 2003-04 indicate that routine maintenance raised as normal works on the south side were completed on average in 18.10 calendar days with a median time of 9.60 calendar days. Accordingly, the majority of works are being completed within the required contractual period of 14 days.
- (5) The major cost components included in the cost of tenancy management are employee costs (\$2.2m - wages, leave entitlements, superannuation, payroll tax, training and workers' compensation costs) and administrative and operational costs (\$0.703m), such as accommodation, computing, communication and information technology costs and provisioning for bad and doubtful debts (\$0.250m) and overheads (\$1.188m).

The major costs included in property management are those costs associated with property ownership, such as general, water and sewerage rates and other statutory charges (\$3.775m), repairs and maintenance (\$6.591m), depreciation (\$2.706m), interest on borrowings (\$1.388m) and other property costs, including body corporate fees and common area cleaning, heat, light and power etc, legal fees and charges and survey and other lease costs etc (\$1.244m). These costs are in addition to the employee costs (\$0.917m) and administrative and overhead costs (\$2.261m) relating to property operations.

- (6) As part of the annual revaluation of the public housing property portfolio, the remaining useful life of all public housing properties was reassessed by an independent and professional valuer in 2003-04. As a result of this reassessment of remaining useful life, all multi-unit properties were re-stated with an 80-year life, bringing them into line with the rest of the portfolio of stand-alone residential dwellings. The effect of this reassessment of the remaining useful lives was to reduce the depreciation costs for all 450 multi-unit properties.

Disabled persons—services (Question No 37)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 8 December 2004:

Further to the provision of 11 232 Therapy Services' hours provided compared with an expected outcome of some 13 868 hours for the quarter (as per the 2004-05 target figure),

(a) what is the Minister doing to overcome difficulties in recruiting appropriately qualified staff and (b) how has 'new initiative' staffing for the autism program not commencing until later in the year impacted upon this better than expected outcome.

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

- a) Therapy ACT has reduced their staff vacancy rates to 6% as of November 2004. This is the result of a national advertising campaign in the press, allied health journals and the web jobsites. Staff have also attended a career session for undergraduate allied health students at Sydney University in September 2004, to encourage new graduates to apply for positions in the ACT.
- b) The Autism and Family Support program is to commence in February 2005. This program will provide intense family and parent training for families for a short period after their child under school age is diagnosed with autism.

The expected outcomes of this program are:

- Higher level of participation in daily activities by the child and a reduction in behavioural issues impacting on this
- Greater confidence and skill of parents in supporting and parenting their child with autism, reduction in stress and the negative impact of this on family relationships
- Improved links with childcare programs and early education programs

Community Consultation Online website (Question No 38)

Mr Smyth asked the Minister for Multicultural Affairs, upon notice, on 8 December 2004:

- (1) Further to the response to Question on notice No 1387 (Fifth Assembly) which stated that he would further enhance e-democracy through the A.C.T. Government's Community Engagement Code of Practice and that this would be completed in July-August 2004, has this been completed;
- (2) If so, when was it completed; if not, (a) when will it be completed and (b) what percentage of the projects have been completed to date.

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

- (1) No.
- (2) (a) & (b) The ACT Government considers that the current consultation guidelines are confusing, lengthy and overly prescriptive, and will replace them with a more user-friendly document that will be more of a tool kit than a set of rules.

The Community Engagement Code of Practice is now known as the Community Engagement Manual. It is anticipated that the Community Engagement Manual will be completed by the end of the 2004/05 financial year.

**National Zoo and Aquarium—expansion
(Question No 39)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 8 December 2004:

- (1) Where is the Government up to in deciding on whether to allocate additional land to the National Zoo and Aquarium to expand its premises;
- (2) What is causing the long delay in finalising a decision on this matter;
- (3) When will the National Zoo and Aquarium owners be given a final decision on whether they can or cannot have additional land.

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

- (1) The Government has agreed to allocate the additional land to the National Zoo and Aquarium, subject to a number of conditions. The Zoo is currently considering the terms of this offer.
- (2) There was no delay in finalising this matter. There were a wide range of issues that needed to be considered, not the least of which was a planning study of the area undertaken by a consultant on behalf of the National Capital Authority. This study recommended making the majority of the land requested available to the zoo.
- (3) The National Zoo and Aquarium owners were given the final decision regarding the additional land following the Government's decision in early August.

**Hospitals—waiting lists
(Question No 40)**

Mr Smyth asked the Minister for Health, upon notice, on 8 December 2004:

- (1) Did the Healthy Territory Brochure of July 2004 state in the article titled *New policy to manage elective surgery waiting lists* that an extensive consultation has commenced with A.C.T. surgeons and the new guidelines will be completed by August 2004; if so, have these guidelines been completed;
- (2) If the guidelines have been completed, where may copies be obtained; if not, (a) why has there been a delay in producing these new guidelines and (b) will they be completed and available publicly;
- (3) Why are the guidelines being developed and what do you expect will be the direction of this new policy to manage elective surgery waiting lists.

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

- (1) The November 2004 Elective Surgery Waiting List Management Policy has been completed and has been distributed to all surgeons this month.

- (2) The new policy is a technical document for internal use by hospital staff involved in the management of the elective surgery waiting list. It is available on the ACT Health Intranet. A consumer's version of the policy is presently being developed which will be available publicly on the ACT Health Internet and will be sent to all patients booked on the waiting list.
 - (3) The policy was developed because no current policy existed to guide the management of the elective surgery waiting list. The policy will ensure that management of the waiting list is consistent and accurate. The direction of the policy is based on equity of access for all patients.
-

**Development—shopping centres
(Question No 42)**

Mr Smyth asked the Minister for Urban Services, upon notice, on 8 December 2004:

- (1) What requests has the Government received for shopping centre upgrades in the electorate of Brindabella;
- (2) What centres were considered in negotiations for the 2004-05 Budget.

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

- (1) No requests have been received.
 - (2) All Cabinet deliberations for the 2004-05 Budget's Capital Works Program are confidential in nature.
-

**Justice and Community Safety, Department—chief executive officer
(Question No 44)**

Mr Stefaniak asked the Chief Minister, upon notice, on 9 December 2004:

- (1) Is the Chief Executive Officer of the Department of Justice and Community Safety still receiving his living away from home allowance; if so, why;
- (2) How much has the Chief Executive Officer been paid in terms of his living away from home allowance for each year he has been employed in his current position.

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

- (1) Yes. The Chief Executive has received allowances in accordance with Determinations of the Remuneration Tribunal.
- (2) The Chief Executive receives an accommodation allowance of \$300 per week. This was initially determined in 1996.

ATTACHMENT A

Year	Amount
2004-05 (to 16 December 2004)	\$7,800
2003-04	\$15,600
2002-03	\$15,600
2001-02	\$15,600
2000-01	\$15,600
1999-00	\$15,600
1998-99	\$15,600
1997-98	\$15,600
1996-97	\$15,600
1995-96	\$4,980

**Disabled persons—services
(Question No 49)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2004:

- (1) What are the difficulties referred to in the September 2004 Quarterly Performance Report to the A.C.T. Legislative Assembly and in particular Output Class 1: Disability, Housing and Community Services, Output 1.3, Therapy Services, which stated the number of hours of therapy services is below pro rata target, partly due to difficulties in recruiting appropriately qualified staff and have these difficulties been addressed to date;
- (2) When did 'new initiative' staffing for the autism program commence, as announced in Notes 1 for Output 1.3: Therapy Services and how many staff have now been recruited to date.

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

- (1) Therapy ACT had a staff vacancy rate of 15% in September 2004. An active recruitment program including advertising in various media, contacting universities, attending career days for undergraduate student and promoting student placements in the ACT has been undertaken. This has resulted in a decrease in staff vacancy rates to 6% in November 2004.
- (2) The new initiative program for the Autism Assessment and Family Support service will commence in February 2005. A number of internal staff will run the program and recruitment is under way for backfilling their positions. A vacant senior psychology position in the team will be advertised in January.

**Playground safety
(Question No 59)**

Mrs Dunne asked the Minister for Urban Services, upon notice, on 9 December 2004:

- (1) How much of the funding for Package 6 has been expended to date this financial year given the Minister's response to Question on notice No 1503 (Fifth Assembly) in which

he stated that funding for Package 6 of the \$900 000 Playground Safety Improvement Program would be rolled over into 2004-05;

- (2) Which playgrounds are part of the Package 6 works and which of these, if any, have had their work completed;
- (3) Is there still \$500 000 available for the Playground Safety Improvement Program due to a total allocation of \$1.4m in the 2002-03 Budget;
- (4) What playgrounds will undergo refurbishments as part of this section of the Playground Safety Improvement Program funding;
- (5) When will work (a) start on these playgrounds and (b) be completed on the last of these playgrounds.

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

- (1) Package 6 did not comprise \$900,000.00. Package 6 comprises the balance of remaining funds (\$45,000.00) which has been committed for expenditure in 2004/2005 financial year.
- (2) Package 6 will see the playground on Captain Cook Crescent in Griffith upgraded and is currently at the design stage.
- (3) The balance of the \$1.4m 2002/2003 Budget has been fully expended in the 2002/2003, 2003/2004 and 2004/2005 financial years.
- (4) All works undertaken as part of the \$1.4m (\$0.9m plus \$0.5m) funding allocation have been completed except for the Package 6 work at Captain Cook Crescent. The following playgrounds have been upgraded as part of this funding allocation:

Package 1

1. MacDermott Pl, Belconnen (stage 1)
2. MacDermott Pl, Belconnen (stage 2)
3. Shakespeare Cres, Fraser
4. Malindi Pl, Giralang
5. Liffey Cres, Kaleen
6. Warring Pl, Giralang

Package 2

1. Bingley Cres, Fraser
2. Woolner Cct, Hawker
3. Bettington Cct, Charnwood
4. Palleine St, Macgregor
5. Chippindall Cct, Theodore

Package 3

1. Teague St, Cook
2. Alberga St, Kaleen
3. Oakover Cct, Kaleen
4. Burkitt St, Page
5. Plowman Pl, Flynn

Package 4

1. Billson Pl, Wanniasa
2. Marconi Cres, Kambah
3. Halfrey Cct, Wanniasa
4. Karney St, Kambah
5. Summerland Cct, Kambah
6. Maxworthy St, Kambah

Package 5

1. Rechner St, Flynn
2. Delaney Ct Melba
3. Sculptor St, Giralang
4. Copeland Dr, Melba
5. Mildenhall St, Fraser
6. Bishop St, Melba
7. Throssell St, Curtin
8. Stangways St, Curtin
9. Lansell Cct, Wanniasa
10. Hogue Pl, Gilmore

5. The upgrade of the Captain Cook Crescent playground is programmed to (a) begin construction in April 2005 and (b) be completed in May 2005.

**Environment and conservation—street trees
(Question No 60)**

Mrs Dunne asked the Minister for Urban Services, upon notice, on 9 December 2004:

In relation to the allocation for maintenance of trees in public places, for example street trees and trees in parks, (a) how much was the allocation in 2004-05, (b) how much of the allocation is dedicated to new planting, (c) how much of the allocation is dedicated to the maintenance of existing trees and (d) has this ratio changed as a result of drought; if so, what was the previous ratio.

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

- (1) The 2004-05 budget for the Tree Maintenance Service Level Agreement is \$2.35 million.
- (2) A further \$70,000 was allocated for planting and establishment of trees in 2004-05. This is allocated to planting new trees predominantly as replacements for those that have been removed as part of routine tree maintenance activities.
- (3) \$2.35 million is dedicated to the maintenance of existing trees in 2004-05.
- (4) There is no set ratio between the allocation for maintenance of existing trees and that for planting. In 2003-04 the budget for the Tree Maintenance Service Level Agreement was \$1.95 million and a separate allocation of \$120,000 was expended on the planting and establishment of trees. The planting allocation was set lower in 2004-05 than in 2003-04 as the ongoing drought conditions increase the risk of failure of newly planted trees. Trees are currently being planted where the adjacent resident has committed to provide supplementary water to the tree, or where the project includes an extended consolidation period for the new trees.

**Motor vehicles—P-plate drivers
(Question No 61)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 9 December 2004:

- (1) On what advice or evidence was the decision based to rule out any plans to tighten restrictions on Canberra's P-plate drivers and disallow them from driving powerful vehicles like V8s;
- (2) What, if any, documentation was given to you to base your decision regarding P-platers and the use of powerful vehicles;
- (3) What is the Government's position or decision on other restrictions on P-platers such as (a) number of passengers allowed in the vehicle and (b) curfews.

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

- (1) While the ACT Government has not ruled out any changes to the restrictions on people holding an ACT provisional licence, there are currently no proposals to change the existing regime. The Government will assess the outcome of the proposed driver training trial announced at the recent Young Driver Safety Forum and to be conducted by the NSW and Victorian Governments.

The outcome of the NSW Government options paper on improving safety for young drivers will also be examined to see if any of the proposals merit consideration in the ACT, including the proposed introduction of bans prohibiting probational drivers from driving high performance vehicles. It should be noted that this initiative will not be introduced in NSW until the necessary major changes to the driver licence and vehicle registration processes and computer systems have been undertaken.

- (2) As no decision to make any changes regarding P-platers has been made, there is no documentation meeting this description.
- (3) The NRMA-ACT Road Safety Trust recently commissioned research examining whether there would be any benefit associated with passenger restrictions for novice drivers. The results of this research are not expected until early 2005.

I have received advice that curfews would be problematic in the ACT given the necessarily reduced levels of public transport during curfew periods and lack of support from the community. Curfews would be unlikely to significantly impact on crash rates as the vast majority of crashes occur on weekdays between 6am and 8pm.

**Emergency services—single response units
(Question No 62)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 9 December 2004:

- (1) On how many occasions in (a) 2002-03, (b) 2003-04 and (c) to date in 2004-05 have single response units (SRU) been despatched in the ACT;

- (2) When the SRU is despatched are there ever times where a stretcher ambulance with two officers are available and could be despatched instead; if so, why is an SRU despatched before a two person unit;
- (3) Will the Government consider a change in policy direction regarding SRUs and ensure they are only despatched when another two person response unit is not available; if not, why not;
- (4) Will the Government consider increasing the number of two person ambulance response units and eliminating SRUs altogether; if not, why not.

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

- (1) Single Response Units dispatched:
 - (a) 2002-03 = 1783 responses
 - (b) 2003-04 = 1866 responses
 - (c) 2004-05 (to 30 November 2004) = 2107 responses
 - (2) When a SRU is the closest, most appropriate resource, it will be dispatched to an incident. A stretcher ambulance is also dispatched to support the SRU and provide patient transport to hospital. Should the paramedic in the SRU determine that the patient does not require transport prior to the arrival of the stretcher ambulance, then it can be cancelled at their request.
 - (3) At this stage the government will not consider a change in policy direction on SRUs as they are an important component of support to the overall emergency response capacity of the ACT Ambulance Service. An operational trial of SRU deployment strategies to identify opportunities for improvement in the approach of this service has been announced recently, and we are awaiting the outcome of the proposed trial before making any further decisions.
 - (4) We are awaiting on the outcome of the proposed trial before making any further decisions.
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