



# DEBATES

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LEGISLATIVE ASSEMBLY

FOR THE  
AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

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## **Thursday, 10 March 2005**

**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.

### **Unit Titles Amendment Bill 2005**

**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) (10.32):  
I move:

That this bill be agreed to in principle.

Mr Speaker, today I am introducing amendments to the Unit Titles Act 2001. The essence of these amendments is to reinstate the powers of the Supreme Court to make decisions in relation to alterations and cancellations of units plans.

The Unit Titles Act 1970 gave the Supreme Court the power to impose conditions and give directions to be complied with before making a final order for the cancellation of a units plan. In addition, the court was empowered to give directions to be complied with after the cancellation of the units plan.

The Unit Titles Act 2001 does not include any equivalent provisions. The act provides for administrative cancellation of units plans. However, the ACT Planning and Land Authority is not able to make decisions that affect the rights and interests of the individual unit owners.

The Magistrates Court does have some powers in relation to the rights and interests of the individual unit owners. However, the wide discretions previously available to the Supreme Court in the making of a cancellation order are not available to the Planning and Land Authority or the Magistrates Court.

Mr Speaker, any matter where property rights and interests are affected needs to be dealt with by a superior court that has the power to make appropriate orders to dispose of all matters. The legislation being tabled today addresses the powers of the Supreme Court to make orders in relation to the alteration or cancellation of a units plan and the power to deal with the dissolution of owners corporations. This bill provides the Supreme Court with powers similar to those previously contained in the Unit Titles Act 1970. I commend the bill to the Assembly.

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

## Long Service Leave Amendment Bill 2005

**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) (10.34): I move:

That this bill be agreed to in principle.

The current legislation governing private sector long service leave in this territory dates back to 1976. In the nearly 30 years since the act was drafted Australia, and indeed the world, has witnessed a major shift in the way that people work. Whether because of family commitments, retrenchment or movement interstate, the notion of a full-time job for life is now unfamiliar to many people. Many people are now dependent for their income on seasonal or irregular work. It is up to those of us in this place to make sure the territory's laws reflect the realities of today's job market.

The government believes that long service leave is an important condition of service that is well established in Australian workplaces and recognises the value of an employee's corporate knowledge and the cost to industry of high staff turnover. The challenge for government has been to develop amendments that balance the realities of the modern workplace against the underlying policy basis for long service leave and that take into account the interests of all stakeholders.

Turning to the provisions of the bill, I draw members' attention to proposed new subsection 2G, located in clause 7 of the bill. This provision will ensure that seasonal workers who work for the same employer year in, year out can share in the benefits of long service leave. Whether they work in the agricultural, tourism or retail industries, there is no sound policy reason for denying these workers the benefits that apply to non-seasonal workers simply because the act has failed to keep pace with developments in working arrangements.

The other significant policy reform to be made by this bill will enable workers to take a proportion of their long service leave after completing seven years of service with an employer. This amendment will bring entitlements for private sector workers covered by the act into line with the benefits already enjoyed by the ACT public sector workers.

The amendments to section 3 of the act by clause 8 of this bill are intended to make long service leave more accessible for long-term employees. The financial impact on employers will be insignificant, as employers are already accustomed to making contingent provision for long service leave entitlements for their employees after they complete five years service, for the purposes of section 11C of the act.

The bill amends section 4 of the act to provide that the rate of accrual of long service leave is one-fifth of a month's leave per year of service. This amendment removes the

current distinctions between periods of service before 11 May 1964 and periods of service after that time.

This distinction seems unnecessary more than 40 years after the rate of accrual was altered. It would require an employee to have outstanding long service leave entitlements relating to service over 40 years ago. Such a circumstance would be unlikely, as section 6 (1) of the act actively encourages employers to ensure that employees take their long service leave as it accrues.

In addition to the policy amendments I have mentioned, there are minor amendments to reflect modern drafting practice and schedule 1 contains criminal code harmonisation amendments. The effect and purpose of the technical amendments and criminal code amendments are explained in detail in the explanatory statement, which I commend to the Assembly with this bill.

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

## **Education, Training and Young People—Standing Committee Statement by chair**

**MS PORTER** (Ginninderra): I seek leave to make a statement regarding a new inquiry.

Leave granted.

**MS PORTER:** The Standing Committee on Education, Training and Young People has resolved to conduct an inquiry into and report on the practice of restorative justice principles in youth settings, with particular reference to, firstly, the development and implementation of programs in schools, youth services and youth justice settings; secondly, the allocation of government resourcing and its impact on the development and implementation of restorative justice programs; thirdly, strategies for involving young people in the development of programs; fourthly, programs to support young people and their families; and, fifthly, any other related matter.

The ACT government has a commitment to restorative justice practice within the justice and community settings. Restorative justice seeks to use long-term methods that allow for both the offender and those affected to come together to be heard, and for long-term restoration to be achieved. Members are familiar with restorative justice, which seeks to divert offenders from criminal justice systems and provide restitution to victims. Restorative justice principles, however, are broader than just the actual mechanical processes.

Restorative justice practice is already happening within 16 government schools in the ACT and a number of non-government schools. It changes the culture of bullying and harassment within a school and other undesirable behaviour by changing the whole school culture to one of inclusivity, understanding and respect. Restorative justice practice has been trialled in youth settings in other places in Australia, and internationally, with great success.

As I mentioned yesterday, the Department of Education and Training has an implementation working party to foster and culture action within schools and further

embed restorative practice. The purpose of the working party is to develop guidelines regarding procedures, practices and ethics to support the development of best practice and to coordinate professional development for school staff. Restorative practice is in keeping with Department of Education and Training guidelines and strategies such as protocols for students, student management and the multidisciplinary team approach in supporting students.

Restorative practice uses a range of strategies including: informal conferencing and circling—used with indigenous communities particularly and for group conflict resolution; formal conferencing, for more serious issues; and, importantly, peer mediation programs. Restorative justice principles have proved to have long-lasting impacts where they have been applied, because they are proactive and not reactive.

As I said, the results of the application of this process elsewhere have so far been pleasing and encouraging. There appear to be many possible applications for these principles, as demonstrated in the Thames Valley Police Service in the United Kingdom, where I was fortunate enough to visit and examine the process. I look forward to a very fruitful and useful inquiry.

## **Legal Affairs—Standing Committee**

### **Statement by chair**

**MR STEFANIAK** (Ginninderra): Mr Speaker, I seek leave to make a statement regarding a new inquiry.

Leave granted.

**MR STEFANIAK**: The Standing Committee on Legal Affairs has resolved to conduct an inquiry into and report on sentencing in the criminal jurisdiction of the ACT with the following terms of reference: sentencing options in the criminal jurisdiction in the ACT and sentencing outcomes in that jurisdiction in the ACT.

### **Statement by chair**

**MR STEFANIAK** (Ginninderra): I seek leave to make a statement regarding a new inquiry.

Leave granted.

**MR STEFANIAK**: The Standing Committee on Legal Affairs has resolved to conduct an inquiry into and report on police powers of crowd control with the following terms of reference: current police powers under legislation; whether there have been instances of misuse of current powers; and the existence and/or desirability of special power for the purpose of particular events.

We look forward to both of these inquiries and to community input and input from the relevant departments. We look forward to reporting to the Assembly accordingly.

## Visitors

**MR SPEAKER:** Before we move on, I would like to acknowledge and welcome some recent recruits to the Audit Office who have embarked on a familiarisation program in the Assembly building today. You will assist us in accountability, I am sure.

## Executive business—precedence

Ordered that executive business be called on forthwith.

## Water Efficiency Labelling and Standards Bill 2004

Debate resumed from 9 December 2004, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (10.43): The Liberal opposition will be supporting this bill, although I am in the process of negotiating an amendment. I have spoken to the Chief Minister's office, but I have not yet had an opportunity to speak to Dr Foskey about it. I will address that a little later in the speech.

At the last election, the ACT Liberal Party committed to implementing the water efficiency labelling scheme, WELS, in line with the national water initiative. WELS is one of the many elements of the national water initiative that have been brought forward through the auspices of the commonwealth government and the fine work that is being done there on addressing the wider and manifold issues of water policy in this country.

The water efficiency labelling scheme is designed to save over the years billions of litres of water in the ACT, in the first instance, and across the nation by alerting consumers, in a very simple and straightforward way, to the water efficiency of particular appliances and encouraging them to purchase those appliances in preference to ones which are less efficient. This is a commendable scheme that the Liberal opposition has strongly supported.

I am sorry, members, in that, in a sense, I need to throw a bit of a spanner in the works this morning. I have not had an opportunity to address this matter directly with Dr Foskey, but I have alerted the environment minister's office. Over the past week, I have been attempting to obtain some advice from the government as to the meaning of clause 57 of this bill. It has no environmental implications and, although I tried to spell out in words of a small number of syllables that it was a matter of property law, I kept getting advice from environmentalists which told me what I already knew but did not tell me the things that I wanted to explore about the impact that this section would have on property law.

Clause 57 relates to the situation where goods are taken into possession and confiscated for a variety of legitimate reasons under the act. The means of disposing of the goods after they have been used for evidential material are quite unusual. When I first went to parliamentary counsel to ask them about the impetus for this clause and why it was there, parliamentary counsel, quite rightly, said that it came from commonwealth legislation. This is template legislation. They made the point that the provisions of clause 57 were

unprecedented in any ACT legislation. What it means is that, if material taken into possession for evidentiary purposes is no longer needed, only the person who has legal ownership of them has the right to recover them under this procedure.

That was my suspicion but, unfortunately, it has taken me until this morning to clarify it, and it was not with the assistance of the government that I have been able to clarify it. As a result, I am in the process of commissioning an amendment to clarify the law and bring it more into line with common law as it stands in the ACT so that not only people who are the owners of the material but also people who have lawful possession at the time it was confiscated have the right to have it returned to them.

I apologise to members that I have not had an opportunity to speak to them directly about this matter, and I particularly apologise to Dr Foskey, because this has been done at the last minute, which is not my preferred way of operating. My proposal to members is that we agree with this bill in principle and that, when we get to the detail stage, we adjourn debate to a later hour this day.

The Liberal opposition strongly supports the principles of WELS, but we have this concern about the impact that this provision may inadvertently have on property law in the ACT. I wholeheartedly support the principles of the bill.

**MS MacDONALD** (Brindabella) (10.48): I am pleased to speak on the Water Efficiency Labelling and Standards Bill 2004. The bill is the ACT counterpart of a national scheme of legislation to give effect to the national water efficiency labelling and standards scheme, better known as WELS.

The purpose of the bill is to provide for the establishment and operation of a nationally consistent scheme to apply state water efficiency labelling and minimum performance standards to certain water use products. The aim of the water efficiency labelling is to encourage the uptake of water efficient products and appliances in domestic and commercial areas while maintaining individual choice and accounting for regional variations in water supply.

Of course, in today's climate we are all aware of how important it is to conserve water. Water is a precious commodity—one that should be used sparingly and responsibly. I think now, more than at any other time in our history, those of us in the cities are becoming more and more aware of that. Our brothers and sisters in country areas have long been aware of the need to conserve water. It is much more of a pressing issue when you live in regional and inland areas of Australia. You know that water is a finite resource.

Those of us who have grown up on the coast, as I certainly did, although I had plenty of relatives who lived inland and I visited them on a regular basis, do forget that at times, especially those living in Sydney, where water always seemed to be in plentiful supply; you just turned on the tap and out it came.

The bill's main objectives are to conserve water supplies by reducing water consumption, to provide information for purchasers of water use products and to promote the adoption of efficient and effective water use technology. This bill is a step in the process of putting into place the ACT part of WELS. The scheme is expected to conserve

1.4 billion litres of water per year, or 700 Olympic-size swimming pools, in the ACT alone by 2021, and deliver net savings of \$11 million per year. Nationally, WELS is estimated to conserve more than 87 million litres of water per year, or 43,000 Olympic-size swimming pools, by 2021. To reiterate, water is a precious commodity and one that we all need to conserve. We all need it to survive and we therefore need to conserve it in order to ensure our own survival.

This bill goes to ensuring that WELS will take effect, therefore conserving our water supplies for the future. It is hoped that this measure and other measures that will be introduced around this very dry continent of ours will make us all that much more aware of the need to conserve water and of how much of a precious commodity it is. I think we are slowly becoming aware of that, but we need to continue our vigilance in educating the public that water is something that we do need to conserve. It is necessary to life and it is necessary to make sure that we are not wasteful with it.

**DR FOSKEY** (Molonglo) (10.52): The ACT Greens certainly support this bill in principle. It is a welcome step towards more efficient and sustainable water resource management. We support the intent of this legislation to conserve water supplies by reducing water consumption. The bill is essentially enabling legislation to give effect to the national scheme and we support the aim of having nationally consistent water efficiency labelling and minimum performance standards for certain products. It is very hard to distinguish our market from the adjoining New South Wales area.

It is interesting to note that the regulation impact statement prepared for the commonwealth bill acknowledges that there is evidence of market failure in the water product market and that the voluntary water efficiency scheme that has been in existence since 1988 has not been effective. It states:

Because the scheme is voluntary, few suppliers have chosen to label and those that have...only label their better performing products ... The main incentive—

for participation—

has been the support of the water utilities, many of whom have publicised the scheme or offered cash rebates to their customers for the purchase of labelled appliances.

These limitations are inherent in any voluntary approach. I experienced that recently when purchasing a new washing machine. I went into one of the stores in Fyshwick and was presented with an array of washing machines with all kinds of labels, with numbers of stars on them for energy efficiency and a label indicating water efficiency. When I asked the very helpful young man who was serving me which one he thought was better, he said, “Oh, just ignore those labels.” I said, “What? What are they for, then?” He said, “Oh, just ignore them. They really don’t tell you anything. They’re measured over a year and they vary from different circumstances to different circumstances.” So, in a sense, I was not helped at all by those labels. In fact, machines that I knew to be water and energy efficient had fewer drops, I think it was—I cannot remember what the water use labelling system was. In the end, you really have to go and read all the information booklets about each machine before you purchase one.

We need something that is a lot more helpful to consumers than what we already have. I suppose I stand as one of those consumers who are actively seeking rather than those people who just want to buy a washing machine and for whom we have to make sure that what they buy is energy and water efficient, even though that is not their first priority. This point also highlights the need for ongoing community and targeted education. Perhaps we should ensure that the retail assistants who sell us these products are well informed as well.

I note that there are a number of strict liability offences in the bill and some of these carry a significant penalty. We will have to tackle the whole question of how sustainability standards are enforced. While the Greens support such standards, we are aware that an approach giving consumers a choice with mandatory labelling has its own problems, and enforcement of accurate labelling is clearly one of them, as I have just highlighted with my own experience.

Some of the penalties in the bill appear to be heavy-handed. We are interested in seeing, where possible, a shift towards the designing of appliances which are by their very nature more energy efficient, rather than simply offering consumers an array of choices where they may, without intending to, buy an appliance that is more energy guzzling and water guzzling than they want. The point is that there should be some onus on companies and producers rather than just on consumers.

This measure is just one part of the demand management strategy. The ACT government has adopted other measures as part of the think water, act water strategy released in December 2003. These include providing rebates for water efficient showerheads, subsidising home and garden water tune-ups, subsidising dual flush toilets in lieu of single flush toilets, providing rebates for rainwater tanks, information and awareness programs to advise householders and the business and government sectors, and regulations to support more water efficiency in homes and gardens.

The think water, act water strategy also has a commitment that the government not only will support this water efficiency labelling measure but also will promote agreement for it to go further. The bill before us will require the sale of water efficient toilets. The ACT government has committed to promoting a national agreement to require the sale of water efficient showerheads by 2007 and washing machines by 2010.

It is also worth noting that the think water, act water strategy includes, along with water efficiency measures, sustainable water recycling and the use of stormwater and rainwater. We welcome all these initiatives, although we suggest that it might be useful if the government could, at some appropriate time, report on how we are tracking on these water-efficiency measures. Further, we would argue that there is a range of other strategies that also should be adopted.

The ACT water strategy report produced for Actew by the University of Technology in Sydney's Institute for Sustainable Futures in 2003 looked at some additional options. These included residential and non-residential development control plans, targeted audits and retrofits and an active, unaccounted for water control program. The Institute for Sustainable Futures report also suggested that there needs to be further data gathering and analysis on, for example, how water is used specifically in Canberra and how this

usage relates to demographics. Successful demand management will require cultural change, down to individual behavioural change. To this end, there should be monitoring and consideration of the implementation of public awareness and education strategies.

The ACT Council of Social Service and the Conservation Council of the South East Region in Canberra produced a joint position paper in 2003. The paper, *Saving our water resources: an equitable and sustainable policy for the ACT*, called for low-interest loans for the purchase of expensive water efficient appliances—for example, rainwater tanks and washing machines. This is a measure that the government will need to consider in the future.

The government should also consider measures to implement the use of water efficient appliances in public housing. For example, members of our community who are least able to afford new appliances would be unable to gain the financial benefits from water efficient equipment and appliances and so would reduce the community's gains in water savings. We would welcome some consideration of the needs of disadvantaged members of our community so that our whole community benefits from reduced water use, taking the pressure off our strained water supply. Given the political will, this government could make us leaders by the adoption of a water efficient way of life in the ACT. Consequently, I am pleased to support this bill in principle, though I await with interest Ms Dunne's amendment.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.01), in reply: As members know, late last year I tabled the Water Efficiency Labelling and Standards Bill 2004. The bill is complementary mirror legislation to the commonwealth's recently passed Water Efficiency Labelling and Standards Act 2005. Very similar legislation is expected to be passed by other jurisdictions of Australia as part of a much-needed national water efficiency labelling and standards scheme.

The aim of water efficiency labelling is to encourage the uptake of water efficient products and appliances in domestic and commercial sectors, while maintaining individual choice and accounting for variations in water supply. Nationally, WELS is expected 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 kilotons per annum in 2010. In the ACT alone, this scheme is expected to conserve 1.4 billion litres of water per year and deliver net savings of \$11 million per year.

In an initiative to bring about reductions in water consumption, the ministerial Environment Protection and Heritage Council agreed, in May 2003, to the development of an implementation plan for a national water efficiency labelling scheme. In October 2003, the EPHC agreed that the preferred model would involve commonwealth legislation, with other jurisdictions adopting complementary mirror legislation. The EPHC resolved that jurisdictions should seek whole-of-government approval for the establishment of WELS.

This bill is the ACT component of the national scheme of legislation to give effect to WELS. It will implement a labelling of standards requirement on a range of water using

appliances, such as toilets, showerheads and washing machines. Under the scheme, the sale of WELS products without appropriate registration and labelling will become an offence.

With regard to the powers of entry and the right to privacy, the bill, as drafted, is consistent in approach and practice with other ACT legislation that deals with these types of provisions. The scheme has been designed to allow additional products to be added over time to increase its coverage and effectiveness. Possible products for later inclusion include domestic irrigation systems, evaporative cooling units, cooling towers and water heaters.

Implementation of this scheme is expected by July 2005, depending on other jurisdictions introducing and passing their legislation within that time. The regulator, who is the secretary to the commonwealth Department of Environment and Heritage, will administer the scheme, with advice on policy and administration from a national committee comprising representatives of each of the states and territories.

A new national WELS web site is being established, housing all information on the program, similar to the energy labelling and energy rating web site for electrical appliances, including procedures, guidelines, promotional material and a database of products. Product registration is to be primarily done online, although manual registration will also be possible via written correspondence with the regulator. A corresponding functionality will be incorporated into the water labelling portal, minimising industry's administrative burden.

Testing and compliance monitoring will be undertaken on a regular basis, with the regulator able to form cooperative inspection arrangements with state and territory environment protection agencies and fair trading departments, plumbing regulators, the Australian Competition and Consumer Commission or the National Appliance and Equipment Energy Efficiency Committee enforcement agencies, as may be appropriate.

Promotion of the WELS program will be undertaken by the regulator in cooperation with the national committee and other key stakeholders through strategic public education and promotional activities. The ACT's participation in WELS is one of the recommendations in the government's think water, act water strategy and is an illustration, again, of this government's commitment to ensuring that our valuable water resources are used as efficiently as possible.

I understand that other members of the Assembly are essentially supportive of the bill. Certainly, Mrs Dunne has indicated the opposition's support, as has Dr Foskey, although Mrs Dunne has indicated that she does have an issue in relation to one particular provision. I confess that I was not aware personally, although I understand my office has been involved, of Mrs Dunne's concern about the impact and effect of clause 57.

Clause 57 goes to vesting in the regulator, who, as I just indicated, is the secretary to a commonwealth department, a power to dispose of certain material if the owner of that evidential material cannot be identified. I must say that I cannot quite imagine in what circumstance the owner could not be identified. I am a little bit intrigued as to exactly why the provision is necessary or what circumstances would arise whereby the regulator

could not find the owner. I cannot quite imagine such a situation. So I need to take some advice on that as well.

At this stage, I understand that there is a commitment to supporting the bill in principle. The government is happy to support a motion that the debate be adjourned to a later hour this day to allow the questions that have been raised in relation to clause 57 to be responded to appropriately. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

## **Justice and Community Safety Legislation Amendment Bill 2005**

Debate resumed from 17 February 2005, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra) (11.08): Mr Speaker, the opposition will be supporting the bill. I have just noticed that Dr Foskey has an amendment. I only just received it and I have had a quick look at it. We will listen with interest to her argument and what the government says in reply and decide accordingly.

The Justice and Community Safety Legislation Amendment Bill is designed to amend various pieces of legislation. We are seeing quite a few bills consolidated in this way and, whilst it is a very good way of making minor amendments, a reasonably substantive or important amendment should be worthy of a separate bill. I do not think that any government of any persuasion should get too used to introducing a plethora of these bills. That being said, if it is only a matter of making amendments to a couple of areas of the act, tidying things up, working out problems that have arisen of a minor or technical nature that do not really justify a separate bill, these types of consolidated bills are quite a good way of making minor or technical amendments to legislation.

The bill will amend the Agents Act effectively to stop the government double dipping and agents needlessly having to pay twice. A licensed agent who operates more than one place of business must employ another agent to be responsible for the day-to-day management of that other place of business. As the government has indicated, it was not intended that a licensed travel agent working as an employee of another licensed agent would be required to meet the additional eligibility grounds for licensing and participate in travel compensation funds. The owner of that agency already would have contributed to that fund for the total operation of the business, and that would include the branch offices. This is a sensible amendment that will be of some assistance to those businesses.

I urge the government to look at real estate agencies. There do seem to be still a couple of areas where, in my view, agents are needlessly paying twice and there is a double dipping effect. There have been some significant increases in fees in recent times, which makes it so much harder if an agent has to pay two fees when they do not really need to. This particular step, in relation to travel agents at least, is a step in the right direction. We commend the government for it.

The Evidence Act 1971 is being amended by removing the definition of “diplomatic or consular representative”, which deals with the attestation of documents outside the ACT. It is redundant now because the commonwealth has removed the obligation to adduce evidence to prove that a document was signed or attested as it purports to have been done. That is a minor amendment.

I am pleased to see the proposed amendments to the Justices of the Peace Act because both the attorney and I, and probably other members of this place, have had representations and correspondence from people who were concerned about justices of the peace being involved in criminal offences after their appointment. The bill addresses that concern as to what happens when a JP has been convicted of a criminal offence. The amending legislation includes special criteria for appointment, as well as for termination, which was not the case in the past.

It includes eligibility grounds for the appointment of JPs and lists circumstances in which that appointment may be ended. They include where a JP has been convicted of a serious criminal offence—and that is an offence punishable by imprisonment for at least one year—where they become bankrupt or where the person is suffering from a physical or mental incapacity that will affect their ability to exercise their functions. The bill also amends the act to allow for the creation of further guidelines for appointments and terminations.

The office of justice of the peace is an important one. Whilst in the ACT, unlike some states, JPs do not actually sit on the bench and effectively act as magistrates, there is still some provision where that can occur, I think in relation to bail proceedings. The Commandant of the Royal Naval College at Jervis Bay is a JP and can sit on the bench, if need be, in that jurisdiction. I think that still applies. JPs are crucially important in our system in terms of witnessing documents. It is a position of trust and honour. Quite clearly, there have been concerns that there were no termination procedures if a JP basically goes bad or does something that the community would not approve of. So there do need to be sensible termination procedures, which this bill introduces.

The amendment to the Liquor Act will allow wine growers without an ACT off-licence to apply to get a special permit to sell unopened wines at ACT tourism events. That will apply to sales of wines by non-profit organisations as well. In the case of the wine makers, they can sell up to \$15,000 worth. There will be a price cap of \$15,000 of the total sales during each financial year. Similarly, for non-profit organisations which sell wine at charity functions to make money, the purchase of wine for sale under permits will be limited to a price cap of \$10,000 of the total purchase price of the wine sold during each financial year. On the positive side, that will certainly assist in events like the upcoming celebrations of Canberra Day and any events where, at present, wine makers display their wares. At the old wine and food frolic, you would only get it in

glasses. It will certainly create much more flexibility and certainly benefit and assist non-profit organisations, too.

I have had some representations from the retail industry, which is a very competitive industry. For example, in my own electorate, the attorney's and yours, Mr Speaker, of Belconnen, we have a plethora of liquor outlets. We have had a very big player come into the market in Dan Murphy's wine sales. It is a very competitive business. Lots of small businesses are concerned about that and are worried that this might be in some way a foot in the door which might open the floodgates. I certainly hope that that will not happen and that the fears will be proved to be groundless, but it is something the opposition will be carefully watching. I suggest that the Assembly, including the government, should do the same. I just make that point.

It has been mentioned, too, that there might be some GST issues. Obviously, there are a number of concerns there in relation to the various retail outlets. We need to be mindful of those, but certainly on the positive side this will provide significant assistance and greater flexibility and be very popular with the public at these particular events. It will certainly assist charities as well.

The bill will add a new definition of "Australian diplomatic or consular representative" to section 11 of the Oaths and Affirmations Act. It basically broadens the class of people who can administer an oath or affirmation to include consular representatives, employees of the commonwealth and employees of the Australian Trade Commission. That is consistent with the definition in the Consular Fees Act of the commonwealth and is again a simple amendment. As I indicated, the opposition will be supporting this bill.

**DR FOSKEY** (Molonglo) (11.16): The Justice and Community Safety Legislation Amendment Bill amends a number of acts, more or less for housekeeping purposes. It removes an accidental requirement from the Agents Act that has meant that a travel agent who is registered but who works for another agent as perhaps a branch manager is required to contribute to the travel compensation fund to which the principal of the agency contributes. That is a fairly simple clean-up and we support it.

I foreshadow a couple of amendments to the Agents Act. They concern the licensing provisions for real estate agents that exclude any applicant found guilty of a dishonesty offence. My amendments are designed to give the commissioner some discretion in dealing with people found guilty of minor offences some years ago. Real estate agents do have responsibility for significant amounts of clients' money, so we need to be very cautious about how much discretion or flexibility we build into the system. After all, it is not as if real estate agents are blessed with a public reputation for integrity and scrupulousness, as opposed to, say, politicians or journalists. On the other hand, someone who is well informed or has their wits about them or understands the possible consequences of a conviction for a minor offence could contest the matter. I will go further into those amendments at the detail stage

The bill removes a redundant section of the Evidence Act and brings the Oaths and Affirmations Act into line with commonwealth legislation by broadening the range of people able to administer oaths and affirmations. These are both minor amendments. Changes to the Justice of the Peace Act are more significant. There have been some concerns that anyone can be appointed a justice of the peace, with no real criteria or

standards applied. These amendments set up a regime whereby the minister can prescribe standards. The amendments also give grounds for terminating appointments, such as serious criminal offences, bankruptcy or becoming mentally or physically incapable. In essence, it regularises the provisions governing JPs, although still at the behest of the minister.

The amendment to the Liquor Act might have the most immediate impact. It will make it easier for wine growers to sell their own unopened bottles of wine and make it easier for non-profit organisations to sell unopened wine as a fundraiser. This liberalisation of the Liquor Act will only apply to small-scale sales of unopened wine. As I indicated, I am supporting the bill, although I will be moving some amendments that we believe will make it fairer.

**MR GENTLEMAN** (Brindabella) (11.19): The proposed extensions to the current liquor permits will be of great assistance in promoting local and interstate wine growers. The proposed changes will allow ACT wine growers to sell their wine at local tourism events, thereby promoting the ACT region's fares, as many of us would be able to purchase a wine that we are usually able to buy only as a sample at such events.

There would be a great chance to promote the local wine industry by allowing visitors to have the opportunity to take local wines home with them and allowing others to sample these great wines. That would be of great assistance in the promotion of local wines interstate and internationally. Mr Stefaniak said small business is concerned about the additional competition. The same businesses were concerned about Dan Murphy entering the market.

This amendment will help to boost the ACT wine industry by allowing non-profit groups to apply for permits to sell wine as a part of fundraising opportunities. The wine growers must apply for permits to allow the sale of alcohol for take-away purposes at tourist events, and this will be monitored closely.

With Canberra's birthday celebrations happening around town now and the previous multicultural festival, this proposed amendment would give people the chance to celebrate with family and friends over a great local wine and still be able to be involved in the celebrations. In Sunday's *Canberra Times* there was an article promoting women. This was to coincide with International Women's Day, which I have talked about previously. There was an interview with one of Canberra's strong female businesswomen, Romilly Madew.

Romilly Madew, as her name suggests, is the owner, grower and maker at the Madew winery, Lake George. Madew Wines would be only one of the local wineries able to promote their wonderful products in places other than the vineyards. Jeir Creek is yet another example of a fine local wine grower which is already involved in promoting its local products at tourism events. With the proposed amendments, the Jeir Creek winery will be able to sell its wine at these events and allow us, as Canberrans, to taste these fabulous products.

The 2005 Lake Tuggeranong lunar festival being held as part of Canberra's birthday celebrations is yet another example of a great day of family fun celebrating our diverse community. The lunar festival allows the community to join in the fun of music, dance,

art and games from around the globe. There will be a special focus on food and market stalls. With the passing of this bill, we will be able to purchase the fares we try. I support the government's amendment to the bill.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.22), in reply: The Justice and Community Safety Legislation Amendment Bill is the 12th bill in a series of bills under the umbrella of justice and community safety. The bill makes a number of minor and technical amendments to portfolio legislation. Whilst the scope of the amendments might be described as minor and technical, as we have heard in the debate this morning, the amendments to the Liquor Act and the Justices of the Peace Act, in particular, are of some import. The bill makes amendments to the Agents Act, the Evidence Act, the Justices of the Peace Act, the Liquor Act and the Oaths and Affirmations Act.

Dr Foskey and Mr Gentleman focused in particular on the amendments to the Liquor Act and the Justices of the Peace Act. The amendment to the Liquor Act is, I think, of particular note. As has been said, it extends the permit system under the current legislation. It will allow non-ACT wine growers who do not hold an ACT off-licence to apply for a permit to sell up to \$15,000 per annum worth of unopened bottles of wine at ACT tourism events or events within the territory for consumption away from the place or event listed in the permit. The permit system will also be extended to allow for non-profit organisations to purchase up to \$10,000 worth of wine per year for resale as a fundraising activity. Whilst these are quite simple and straightforward amendments, they do constitute a significant change to the regime in relation to liquor licensing and the sale of regionally produced, unopened bottled wine at events within the ACT.

It really is another very good example of the operations of the capital region and the extent to which we do have a capital region wine industry. We in Canberra proudly claim ownership of the Canberra region wineries and the Canberra region wine industry, but we acknowledge that the majority of wineries that constitute the Canberra region as a wine growing area are, in fact, located across our borders in New South Wales. There has been an issue in relation to the extent to which those cross-border wineries are able to take full advantage of their designation as Canberra region wineries and take full advantage of the opportunities presented to further display the quality, the extent and the variety of wine that is grown within the Canberra region.

This change, although small, will be particularly significant in the context of the Canberra region wine industry. It is an amendment that I am very happy to sponsor. As Mr Gentleman said, it will allow those 20 wineries that will be featured at the celebrate in the park event on Saturday the opportunity to sell their wares to those people who perhaps come from further away in the region and give them an opportunity to take home with them a couple of bottles, or perhaps even a case, of wine that they sampled and, through that mechanism, spread the value and reputation of Canberra region wineries. The Canberra region wine industry is potentially a very significant tourist attractor for the region. It is something that we need to continue to support and nurture.

The Liquor Act will be extended to allow non-profit organisations to purchase up to \$10,000 worth of wine per year for resale as a fundraising activity. We are all aware of the extent to which, perhaps on an ad hoc or informal basis, wine features in a vast

number of fundraising events, as a barrel draw prize or as a door prize, a table prize or a raffle prize. Wine is a product of enormous utility in terms of its fundraising capacity or appeal. This amendment, to some extent, acknowledges that and will allow charities and non-profit organisations within the territory access to \$10,000 worth of wine per year for resale. I can see immediately the attractiveness of that arrangement for people seeking to raise funds on behalf of the community. They are two very good amendments.

Another amendment of some significance, although once again it appears to be quite minor and technical, is the amendment to the Justices of the Peace Act to provide guidelines for the appointment and termination of appointment of justices of the peace. The amendments set out the circumstances in which the appointment of a justice of the peace may be ended, including when he or she has been convicted of a serious criminal offence punishable by imprisonment for at least one year. An appointment may also be ended when a justice of the peace becomes bankrupt or when the person is suffering from physical or mental incapacity that substantially affects their ability to exercise their functions.

Mr Stefaniak and I have both received representations concerning a person who, many years ago, had been appointed a justice of the peace and had since been involved in activity which, in Mr Stefaniak's opinion and certainly in mine, rendered him unfit to continue as a justice of the peace and whose appointment we would both wish to be terminated. Unfortunately, in the face of an obdurate refusal to relinquish the appointment, I, as attorney, had absolutely no capacity to terminate the appointment as a justice of the peace. This amendment will regularise such a situation, should one occur in the future. It is appropriate in relation to an office of some standing within the community.

Justices of the peace do a sterling service for the community. Every justice of the peace with whom I have been associated takes the responsibility, the role and the honour of being a justice of the peace very seriously. They are diligent and, quite rightly, are proud of their appointment and of the reputation of justices of the peace generally. It is important that we protect and nurture their pride in being a justice of the peace and serving the community through that appointment. Regularising the appointment process and, unfortunately, providing for a circumstance in which an appointment might be terminated are reforms that are overdue.

Dr Foskey has indicated that she does propose an amendment in relation to the conditions of licensing agents. The government has viewed the amendment and I can indicate now that we will not be supporting it. It essentially goes to the issue of the term "spent conviction" under our spent conviction laws. I will discuss the amendment when we get to the detail stage, but I will just signal now that the government does not support the amendment. We have spent conviction legislation.

The position in relation to spent convictions and the extent to which a person should essentially bear the burden of the conviction that they suffered has been set in the ACT, for a range of offences, at 10 years, including the sorts of issues that are raised in the Agents Act. The government's position is that we see nothing to justify changing, essentially through an amendment to the Agents Act, the operations of the Spent Convictions Act. But I will deal with that in the detail stage. At this stage I thank members for their support in principle of these amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail stage**

Clauses 1 to 6, by leave, taken together and agreed to.

Proposed new clauses 6A and 6B.

**DR FOSKEY** (Molonglo) (11.32): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

**DR FOSKEY:** I move amendments numbers 1 and 2 circulated in my name [*see schedule 1 at page 927*].

These amendments concern real estate agents. Given that there has already been an indication that the government does not plan to accept my amendments, I am assuming that we will deal with these amendments and, depending on the result, I will not proceed with the second set of amendments.

**MR SPEAKER:** The question before us is that amendments Nos 1 and 2 be agreed to. That is really the debate we are having. The question of relevance arises.

**DR FOSKEY:** They are very much connected. That is why I was planning to deal with them together.

**MR SPEAKER:** To deal with them together, Dr Foskey, you need leave.

**DR FOSKEY:** I see leave to speak to all my amendments.

Leave granted.

**MR SPEAKER:** Dr Foskey, the Clerk advises me that you will have to move each amendment separately.

**DR FOSKEY:** My first two amendments apply to real estate agents and the second two apply to registered sales people. The Agents Act is cut and dried about disqualifying anyone convicted of an offence of dishonesty from gaining a licence to practice as a real estate agent or being registered as a sales person. The Consumer and Trader Tribunal has made the point that there is no room for discretion. As I commented in the in-principle debate, offences of dishonesty are wide ranging and can, on occasion, be somewhat less than deliberate. Nor are they always indicative of a lifelong propensity to crime.

One reasonably typical example will suffice for this debate. If someone on a benefit or pension receives an overpayment and fails to identify it or respond appropriately, they can be charged with fraud. They might easily be living in some discord or difficulty at

the time, which means that they do not pay attention to the details of their case. Nonetheless, they can be prosecuted for fraud and, as is common in that situation, plead guilty without advice just to get it over and done with.

Five years later, following some education and training, they can find that that conviction for dishonesty rules out any chance of becoming a real estate sales person. Under this legislation, there is no opportunity for any discretion. I consider it preferable that the commissioner, in judging the disqualification not to be in the public interest, given it was a minor offence committed five years ago, allow the registration to proceed. That decision could then be appealed to the Consumer and Trader Tribunal if it was considered to be too generous.

I would like to make it clear that I sought, through my office, to negotiate with the government on the details of where the line of discretion might be drawn. However, we were advised the government would not support the amendments, so we have not proceeded to the level of detail to define the appropriate level of the offence more carefully.

I am putting that on the record to make it clear that the issue is one of introducing some discretion, not about precisely where we have drawn the line. We are of the view that it is possible to provide some guidance to the commissioner to exercise discretion, ahead of the 10-year threshold of the spent conviction scheme. Unfortunately, the government has indicated that it does not share that view.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.38): Mr Speaker, as I indicated, the government does not support the amendment to the Agents Act proposed by the Greens.

**MR SPEAKER:** I intervene to remind you that you are able to speak to both of them.

**MR STANHOPE:** Thank you, Mr Speaker. The proposed amendment reads:

- (1A) However, the commissioner for fair trading may decide that a person is not disqualified from being licensed only because subsection (1) (a) applies to the person if—
- (a) the conviction happened more than 5 years before the day the person made an application under section 29; and
  - (b) the person has not been convicted of any offence for 5 years before the day the person made the application; and
  - (c) the commissioner is satisfied that the disqualification is not in the public interest.

Dr Foskey, in supporting her amendment, advances the argument that really what she is doing is providing the commissioner with discretion in relation to disqualification. But what the provision essentially does is provide an amendment to the Spent Convictions Act 2000.

The Spent Convictions Act provides, in relation to an offence of the sort that would lead to the disqualification, that the person cannot be re-employed within that profession within 10 years. Dr Foskey is essentially seeking, through the Agents Act, to amend the

Spent Convictions Act in its application to real estate agents. Government policy in relation to spent convictions is expressed through the Spent Convictions Act of 2000. That policy, as expressed in that legislation, is that the period that should elapse before a person is free of the stigma of a conviction, in these circumstances, is 10 years for an adult and five years for a person under the age of 18 years.

That is the legislated position in relation to that period, which you might call a sin-binning of a person convicted of an offence who is, say, a professional, such as a real estate agent, to which they will be henceforth disqualified from re-entering that profession. So what we are being asked, through this amendment, is essentially to amend the Spent Convictions Act, as it applies to real estate agents, to remove the period of 10 years and replace it with a period of five years. We can have a debate about that.

With any legislation that imposes a criminal penalty I always ask myself: whether the penalty is a bit extreme. Is it going too far? Are we being too soft? There is debate within any legislature, or even within the community, about the effectiveness—Mr Stefaniak and I have this debate constantly—or the appropriateness of certain penalties in relation to certain offences, and that is essentially at the heart of the amendment.

Is it appropriate for a real estate agent who commits a criminal offence and suffers a penalty as a result of that to be disqualified from ever perhaps regaining the entitlement to act as a real estate agent? What is the appropriate penalty or period of exclusion? What is the appropriate length of the sin-binning? Is it a 10-year sin-bin or is it a five-year sin-bin? We have provided in the Spent Convictions Act that, across all the professions, the period for an adult is 10 years and the period for a person under the age of 18 is five years.

If there is a reason for debate—I must say I have received absolutely no representations on this—and if there is a view within the community or a view within the place that our spent convictions legislation is out of kilter, that the 10 years is too long, and we need to bring it back to five years and reduce the period in relation to people under 18 to, say, 2½ years, then that is a debate that we should have in relation to the Spent Convictions Act and we should deal with it across the board.

Why are agents to be regarded differently from other professionals who might transgress in the same way as an agent might transgress? What is the difference? This is essentially an argument about the spent convictions legislation. I do not understand why we would actually introduce this discretionary difference through the Agents Act, rather than addressing it as a broad issue in relation to the spent convictions legislation.

**MR STEFANIAK** (Ginninderra) (11.43): Mr Speaker, I listened with interest to this debate. Unfortunately, having received the amendment only about half an hour ago, I have had absolutely no time to ring up any agents or the real estate institute just to see what is their position. Maybe Dr Foskey can enlighten me on whether the real estate institute does have a position on that, because I think that that is important and I think that we do need to listen to what these representative groups actually feel about something like this.

I must say that I have some sympathy for what Dr Foskey is actually trying to achieve here, as I see it. Might I start by saying that she is seeking to amend section 27, dealing

with licensed agents, and section 51, dealing with people who work with real estate agents and who are licensed real estate agents but not the principal agent. In both instances, if they had been convicted in the ACT or elsewhere of an offence involving dishonesty, they could not be an agent—the Spent Convictions Act applies to that—for 10 years, basically, as I understand it.

The opposition fully supports the Spent Convictions Act. I think we introduced it. The government accepted it and agreed to it. There is some argument that even that may be too generous, but it is certainly quite fair. It deals with all convictions, for anything. One thing I probably disagree with the attorney on is that I do not see how Dr Foskey's amendment actually compromises the Spent Convictions Act at all, because it deals with everything—murder through to parking, not that parking offences ever were actually recorded, but murder through to, say, a minor speeding matter or disobeying a red traffic light, which appears on someone's record.

All of those are affected by and covered by the Spent Convictions Act. I think certain crimes actually remain there, but others are certainly dealt with as spent convictions. So there is a plethora of offences which that act deals with. We are only dealing with one section of the criminal law here, an offence involving dishonesty. I do not necessarily agree with the attorney in what he is saying there in terms of this amendment effectively throwing out the Spent Convictions Act. It does not, because it only deals with offences in relation to dishonesty.

Perhaps Dr Foskey is referring to the fact that at some stage people do need to be given another chance and rehabilitation does need to kick in. She does have a provision here that the person cannot be convicted of any offence—and I assume that means any offence at all—for five years before the day the person made the application. Maybe she can indicate whether she just means any offence of dishonesty. At any rate, even if it is that, that person has to be squeaky clean in terms of being honest for the five years.

The other condition which has to kick in is that the commissioner, himself or herself, has to be satisfied that the disqualification is not in the public interest. Quite clearly, that gives the commissioner a very wide discretion there. If a disqualification was in the public interest—perhaps the offence of dishonesty was just so bad, or whatever factor was there; there was some lingering doubt—the commissioner could say, “No, sorry, Abe, go away and come back at some other stage.”

I think there may be a problem with proposed subsection (1B) in terms of a conviction not including a conviction for which a prison sentence of longer than six months has been imposed. I had a quick chat with Dr Foskey's adviser in relation to that and I think he indicated that, were this to have any chance of success, they would be happy to amend that. I think, if they were happy to amend that, that would significantly improve it, because I think it would be more appropriate, especially in the ACT, to refer to, say, a serious offence of dishonesty which carries a maximum penalty, for example, of X years rather than someone actually being in prison for longer than six months, because that may not be a very good yardstick to use, from my experience in the courts here, in terms of what she is trying to achieve. I think they actually accept that.

I have some sympathy for what she is trying to do and, with the greatest respect to the attorney, I do not think it does seriously compromise, or perhaps even compromise at all,

the Spent Convictions Act, which would still apply. I am concerned that it is late. I thank her offsider for apologising for that. It is difficult in this place, at times. I am concerned, though, that basically I do not know that it would be the view of the real estate agents themselves. It is certainly something I have not actually had any representations on. We probably would be mindful of supporting this with amendments, but I would certainly like to hear from Dr Foskey further in relation to whether the real estate institute or anyone has actually complained about this matter and has suggested that this is a good way forward. I note the government's view. This amendment is going to go down anyway. But I would like Dr Foskey to address that point, if she could.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.49): Just on a point of clarification: the point I was seeking to make in relation to spent convictions was not that it undermines the Spent Convictions Act across the board. The point I was making essentially was in relation to the introduction into the operation of the spent convictions legislation of a hierarchy in relation to the professionals or the industry representatives, or however one might classify them, that are covered by the Agents Act—in other words, real estate agents, stock and station agents, employment agents and travel agents. They are the agents that are covered by the Agents Act. The point I was making was simply that there is a whole range of other professionals, covered by the same provision as the spent convictions legislation in relation to dishonesty, who are also disqualified for 10 years.

So we are developing, through this particular amendment, a hierarchy of disqualification as between professionals operating under the Agents Act and professionals who operate under other legislation. I would have perhaps to go back to the Spent Convictions Act. I talk about lawyers. I assume the spent convictions legislation applies to a lawyer and would apply in the same way to a lawyer as a real estate agent. I assume that. I would perhaps have to look at that. I have not looked at the legislation, but I use a lawyer by way of example.

The amendment would have the effect of providing, in relation to real estate agents, stock and station agents, employment agents and travel agents, a regime in relation to spent convictions where the spent conviction related to an offence around dishonesty. At the moment the spent convictions legislation applies equally as between professionals, namely, real estate agents, stock and station agents, employment agents, travel agents and other professionals. I said, for example, lawyers. I assume they would, under the spent convictions legislation, be in exactly the same boat as real estate agents. But you can name any other professional that might fit, and there is a hierarchy created.

So why have the spent convictions legislation in relation to professionals or industry operatives at all? Just say, "Look, we will deal with that in industry-specific legislation. Any legislation under which a professional who is registered operates will deal with issues in relation to spent convictions. We will not bother to have a generalist piece of policy in relation to spent convictions. We will do it industry by industry in their separate registration." Pick a ball. I do not know whom it applies to. I have not looked. Is it to nurse registration, physiotherapists, other people perhaps where there is some fiduciary duty? I am not sure. I would have to go back to the Spent Convictions Act, but that is the concern. Why create a hierarchy in relation to different industry or professional groups in

regard to a period of disqualification in relation to an offence of dishonesty when the Spent Convictions Act, one would have hoped, dealt with the issue generally?

It seems to me—and that is my argument—that we have a piece of general legislation which deals with spent convictions. You look at this provision. This proposal deals with the regime that should apply in relation to a period of disqualification, essentially a spent conviction clause to be inserted in the agents legislation. I am just saying, “Why deal with spent convictions in any way relating to real estate agents or other agents in the Agents Act when we do not do it in relation to other professions or industry groups? We rely on the Spent Convictions Act.”

**MS MacDONALD** (Brindabella) (11.53): I had not intended to speak to this amendment, but I have been listening with great interest to Dr Foskey’s arguments and to, firstly, the Chief Minister’s comments and then Mr Stefaniak’s comments in relation to it. I just want to raise one particular point. As I understand it, Dr Foskey has talked specifically about real estate agents, but there has been the indication that it would apply to other areas as well. The Chief Minister and Attorney-General was just talking about it in relation to legal practitioners.

I would like to address specifically the issue of licensed agents. What it comes down to for me, and I think what it comes down to for members of the community, is: do we want somebody who has been convicted of fraud, after five years, to be able to go back in and start selling, to become a real estate agent again? Do we want somebody who has already made it the case that they have broken people’s trust and have been convicted for breaking people’s trust to go back in? What we are talking about is somebody who is responsible for looking after what is a major purchase, something that is extremely significant for virtually all of our community—the purchase of the place that they live in or, even if it is not the place that they live in, an investment property.

My question to Dr Foskey is: do you actually want people who have betrayed a trust to be allowed to go back in five years afterwards? I am sorry, but I do not believe that five years is a substantial amount of time, that they will necessarily change their ways if they have actually betrayed the trust. I do understand what Dr Foskey is talking about in terms of minor offences. Mr Stefaniak raised that issue as well. However, if you have got to the situation where it has been debated amongst several areas—and a number of people, a number of areas, have said that it should not be the case that those people should have their licenses reissued—I think we need to be saying, “You have broken the trust; you do not get the licence back after five years. That is too short a time.” You have to make sure that these people are not actually being allowed to take advantage of other people again.

I understand the comments of Dr Foskey about rehabilitation. I also understand what she is saying about minor offences. I understand that she has also said that she has not gone in depth within her amendment in terms of defining what is actually being said if somebody gets a major number of speeding fines put on their record. But you do have to draw the line somewhere. I think it is a flaw in the amendment. If Dr Foskey seriously wanted this amendment to get up, then she needed to make it very clear. As it is at the moment, I do not believe that it can be supported.

I understand that Dr Foskey claims that she did not do it because she had spoken to the Attorney-General’s office and they were supportive of it. The fact is that you need to go

and do the work and put it forward to convince the Assembly why we should be supportive of it. That work has not been done there for us to support it.

**DR FOSKEY** (Molonglo) (11.58): Thank you, Mr Speaker, for giving me the opportunity to respond to the very thoughtful remarks made by other members of the Assembly. May I start by offering my apologies to Mr Stefaniak and other members of his party for not discussing this amendment with them prior to its presentation this morning. I think it has become clear that discussion before presenting amendments, bills and other matters in the Assembly would clear up some misunderstandings and improve the wording of anything that comes before us. In this case, this morning, there is very evidently some quite strong misunderstandings that I think have coloured the government's response to our amendment, and I just want to cover those right now.

I should state that a lot of this misunderstanding could have been cleared up if the Attorney-General's office was prepared to have a more substantive discussion with us. But the sense we had was that they considered this amendment to be fairly minor, and perhaps it is a nuisance. Amendments can be a nuisance, but sometimes they make things better as well and fairer.

This issue was raised with us by a member of the Consumer and Trader Tribunal. So we are talking about real events here. They are not frequent, of course, but they do happen and are anomalous. Sometimes people can have a strong sense of injustice just simply because they are anomalous.

We are not talking—let us make this clear; and I do not believe this was understood by the Attorney-General or by Ms MacDonald—about people who have committed offences while practising real estate agents. We are talking about someone like me, perhaps, mid-life; been going along; been a teacher for a while; have not had a job at all; my children have grown up; I have a chance to go back. But I have been living on—and this is not me, by the way—a sole parent benefit, perhaps, and I have unwittingly made a mistake. I can tell you that it is extremely easy to do with Centrelink benefits.

When I have decided that I want to make good for myself, I want a job, I do the course and then I go for registration. I find out that I am ineligible because I did not fight this fraud charge; I just said, "I will just go under. Centrelink always wins." That is the feeling. There it is, the stain on my escutcheon. No longer am I able to operate in the field that I had chosen. That is just an example. That is what we are talking about. We are not talking about people who commit fraud while practising. I have to say that is a really different kettle of fish.

In closing, I would just like to say that I do commend this amendment to you, in the interests of fairness. With this clarification, the government might be prepared to reconsider its attitude to the amendment or it might just say, "We would like to talk about this with you further." That would be a very progressive outcome of this debate, which I think has probably been constructive.

**MR STEFANIAK** (Ginninderra) (12.02): I certainly appreciate the comments by the attorney, Ms MacDonald and Dr Foskey. I wish to make a couple of comments on that.

Dr Foskey, I certainly accept your apology for not talking about it earlier. You represent a party and a couple of portfolios and I totally understand that things get very difficult at times; so there is no problems at all there. I am not upset in any way about that. These things happen, and I totally appreciate the difficulties that you face.

I take the point made by the attorney about the discrepancy with other acts. I was racking my brain trying to bring to mind a particular act where there would be a provision precluding someone who was convicted of an offence of dishonesty from undertaking a certain job or trade. I think the legal and medical professions might be there. I just cannot recall the provisions in the acts, but I think there are some there. I would certainly want to look at that because that is a good point, I think. As Ms MacDonald said, real estate agents deal with the major purchase in most person's lives, their home. That is a quite valid point as well.

I am still unclear as to whether this is a real problem. I thank Dr Foskey for mentioning that a member of the Consumer and Trader Tribunal mentioned it to her, but I also asked whether she had actually talked to the real estate institute. I would certainly want to do that, and maybe just a few agents, to see what their views are on it because it may well be that they could be supportive of this amendment.

One point I would make, which is very much in favour of the position Dr Foskey has taken, is in relation to the PCA legislation. In more recent times we have amended it so that people who have second and subsequent PCAs actually have a definite period of licence suspension. I think we still have provisions for licence cancellations. Until those amendments of, I think, three years ago, there was a simple provision that governed the ACT for about 30 years. I think it gives some weight to what Dr Foskey is trying to do. If you had a conviction for PCA, drink driving—and that would include even if you had a very good record—and you got a 556A, which is no penalty recorded, that still counted as your first conviction.

If you had a second conviction within five years—the first conviction was a fine, I think, not exceeding \$1,000 and licence suspension of, invariably, three months; I think it could be more, but three months was the tariff basically—there was a licence cancellation. So, in relation to the five-year period, there is a precedent there, Dr Foskey, which I think supports the position you are trying to achieve. So I make that point.

At this stage, simply because I just have not had a chance to talk to other people in the industry and in the real estate institute about this amendment and because of some very real concerns raised by the attorney and Ms MacDonald—and indeed the fact that your office also indicates that there could be a bit more work done, especially in relation to what “conviction” actually means—with some reluctance, the opposition cannot support this amendment today. If there are some real issues here—

**Mr Stanhope:** We would support an adjournment.

**MR STEFANIAK:** I would certainly want more information. I think there is a lot of merit in what you are trying to do, but there are also some potentially big problems which none of us seem to appreciate. We are basically all not sure on a few very important facts here, so I think—

**Mr Stanhope:** If you want to move the adjournment, Bill, maybe even to a later hour this day.

**Mrs Dunne:** Will that be enough time?

**MR STEFANIAK:** It may not be enough time. It is just that I appreciate, Chief Minister, that there are other very important aspects of this bill. If you want to support an adjournment, that is fine by me. If an adjournment is not practical, Dr Foskey might like to do a bit more work on this matter. She could bring back a substantive bill.

**Mr Stanhope:** Yes. That is what I was going to suggest initially. But move it to later this day.

**MR SPEAKER:** Order! This is debate rather than a conversation. If somebody wants to move that the debate be adjourned, a member who has not spoken already should leap to his or her feet and then we can adjourn it.

**MR STEFANIAK:** I am happy to move for an adjournment until a later hour this day.

**MR SPEAKER:** You will need leave.

**MR STEFANIAK:** I seek leave, Mr Speaker, to adjourn the debate on this matter to a later hour this day, noting that it is very important to pass the rest of this bill.

Leave granted.

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

That the debate be adjourned to a later hour.

## **Water Efficiency Labelling and Standards Bill 2004**

### **Detail stage**

Clause 1.

Debate resumed.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

**MRS DUNNE** (Ginninderra) (12.08): I move amendment No 1 circulated in my name, which amends clause 57 [*see schedule 2 at page 927*].

I thank members for their indulgence. Again, I apologise for the late hour at which this was done. I also commend parliamentary counsel for their excellent assistance in this regard today. In the break between bills we have had an opportunity to caucus on this amendment. I think that there is general agreement that the amendment that I have moved does add something to the property rights of people in the ACT.

My amendment adds a new class of people who should be considered when the regulator is returning evidential material which has been held in accordance with this legislation. If the actual owner of the material cannot be located—and I take the Chief Minister's point; it would be an unusual circumstance when the actual owner could not be located, but we are always talking about unusual circumstances and many laws turn on those—the person who was lawfully in possession of the material at the time it was seized could have the material returned to them. This is a fairly standard approach to returning confiscated materials.

The concern that was raised with me about this matter was that the provisions, as they stood in the bill, were out of kilter with many provisions in ACT law and did seem to do away with the principles of possession and the rights of possession. I suppose we all apply the adage that possession is nine-tenths of the law, and to some extent that was being undermined by this piece of legislation.

I was a bit slow to act on it in the first instance simply because this is commonwealth template legislation and this legislation was handed down from on high. The thing that made me think that it was worth doing is that it does actually, by virtue of commonwealth template legislation, make amendments to property law and not to environmental law in the ACT which I thought were worth preserving. It does create a small problem for the commonwealth regulator in that he would be administering this section in accordance with one set of laws for everybody and a vaguely amended set of laws for the ACT. He would have to keep his wits about him on the rare occasions when this issue would arise.

I think I have consulted enough to convince me that this is a necessary amendment, a small amendment, but it is a matter of principle in maintaining property law; and, in amending it, it does not in any way affect the environmental provisions of this legislation. I commend the amendment to members.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.11): The government is happy to support the amendment. I just reiterate the point that Mrs Dunne made: the ACT government was responding to template legislation; the provision is a provision that was drafted by the commonwealth; it is not our design or our wording.

I acknowledge that there are some oddities around it or around the possibility. The government has no difficulties with the amendment, other than to note that it is now quite likely that the ACT, of all the Australian jurisdictions, will have a different section 57 than any other place in Australia. I do not think that is a particular hardship and I do not think it is an issue of concern, but I just make that point.

Amendment agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**Sitting suspended from 12.13 to 2.30 pm.**

## Visitors

**MR SPEAKER:** I welcome to the gallery some guests of the Assembly from the Ted Noffs Foundation.

## Questions without notice

### Mr Rob Tonkin

**MR SMYTH:** My question is directed to the Chief Minister. In November 2003, Mr Tonkin was seconded to the COAG bushfire secretariat. However, the government took until February 2004 to develop the administrative arrangements order creating the Office of Special Adviser. It was not until April 2004 that the government issued a financial management amendment guideline attaching the Office of Special Adviser to the Chief Minister's Department.

Why were the administrative arrangements order and the financial management amendment guideline not issued until months after Mr Tonkin had started work in the position at COAG?

**MR STANHOPE:** The administrative arrangements in relation to the secondment of Mr Tonkin from the Chief Minister's Department to the Department of Prime Minister and Cabinet were undertaken by senior officers of the Prime Minister's department. From recollection, the arrangements finally put in place were undertaken by the then acting head of the Chief Minister's Department, Mr Mike Harris and Ms Davoren.

The delay between the decision that Mr Tonkin would be seconded and the formalisation of the arrangements through the signing of the necessary document would simply be a reflection of the technical issues—the administrative and legal issues; considerations taken in relation to the transfer—and the simple pressure of work. There is no reason other than that is the time it took Mr Harris, Ms Davoren and those that they sought advice from at that time in the preparation of the necessary documentation.

**MR SMYTH:** Mr Speaker, I have a supplementary question. What was Mr Tonkin's status until these important documents were issued? Why was it necessary to backdate the financial management amendment guidelines?

**MR STANHOPE:** Mr Tonkin was a seconded officer to the Department of Prime Minister and Cabinet. All the documentation for the administrative arrangements order that were put in place at the time was done by those officers within the ACT public service charged with that responsibility. My understanding is that all the steps that were taken were taken consistent with the Public Sector Management Act and the Financial Management Act.

I mentioned yesterday that the complexities involved in issues related to the senior executive service within the ACT public service are difficult and complex. It took some time to work through those. I believe advice was sought broadly from within the ACT public service. That advice was taken and responses made. Documentation that was required was prepared.

**MR SMYTH:** Mr Speaker, I rise on a point of order. The question was about Mr Tonkin's status, not the perambulations through the Chief Minister's arrangements. I was wondering what Mr Tonkin's status was until those documents were put in place.

**MR SPEAKER:** I think the Chief Minister is entitled to go through the background. I am sure he is coming to the subject matter of the question.

**MR STANHOPE:** I did it the other way around: I answered the question by indicating that, at that stage, Mr Tonkin was an officer seconded to the Prime Minister's department. If that is all that the Leader of the Opposition is interested in, I will end the answer there.

### **Health—surgery delays**

**MRS BURKE:** Mr Speaker, my question is to the Minister for Health, Mr Corbell. It concerns a lady who has a family history of breast cancer and who, accordingly, has had her breasts screened regularly. She had a mammogram on 15 December but her 2004 results were not examined until 2 February 2005, nearly two months later. Her mammogram showed that she had an aggressive form of breast cancer. She was scheduled for an operation on March 7, a month later. This surgery was deferred again, and she is now scheduled for a bilateral mastectomy on March 14, three months after she had her mammogram. Why was her mammogram not examined until six weeks after it was performed, despite the fact that she was a patient with a high risk of developing breast cancer? Why will she not receive surgery for aggressive breast cancer until six weeks after her diagnosis?

**MR CORBELL:** Mr Speaker, if Mrs Burke is able to provide me with the details—that is, the name of her constituent—I would be very happy to look into the matter for her.

**MRS BURKE:** Thank you, Minister. I will certainly do that. Is this constituent a category 1 patient, and will she be another one of the category 1 elective surgery patients overdue at the end of February? Why has this government allowed the health system to deteriorate so badly that a woman has to wait three months for treatment, after having a mammogram done showing aggressive breast cancer?

**MR CORBELL:** I am not this woman's doctor and, as Mrs Burke would comprehend—or, perhaps, even seek to comprehend—tens of thousands of people go through the ACT health system every month. I am very happy to investigate the case that Mrs Burke raises but I cannot answer the detail of the question she has raised without specific information about this person. If Mrs Burke is able to provide me with that, I am very happy to provide a full and detailed response to her.

### **Children—Therapy ACT assessments**

**DR FOSKEY:** My question is to the Minister for Disability, Housing and Community Services. Parents and professionals have raised concerns regarding the performance of Therapy ACT, which is funded by the Department of Disability, Housing and Community Services. In particular, there appear to be considerable delays in assessing children identified with additional needs, including those with suspected autism spectrum

disorders. My question is: how many children are awaiting assessments by Therapy ACT and for how long have they been waiting?

**MR HARGREAVES:** The responsibility for autism diagnosis services was transferred from the Child and Adolescent Mental Health Service to Therapy ACT on 1 March 2002. Between August 2002 and June 2004, additional resources were provided from within the current budget to establish a multidisciplinary model for providing autism assessments in line with international best practice.

Two rounds of autism assessment training for staff involved in the autism assessment process have been conducted. The first was conducted in August 2003 and the second in August 2004. Dr Kylie Gray from Monash University in Melbourne provided the training.

**Mr Smyth:** Mr Speaker, I am sorry to interrupt the minister, but it is very hard to hear the answer. Perhaps the minister could get behind the microphone.

**MR HARGREAVES:** That is not a problem, Mr Smyth. I will move a couple of paces to the left.

**MR SPEAKER:** I would like to see that, too!

**MR HARGREAVES:** Speaker, one: Assembly, nil. I have to say to the members of the opposition that this will be the last time that they will see me move to the left!

Returning to the subject at hand: the autism diagnosis waiting list, effective 2 March 2005, is 92, with roughly 10 assessments in progress. The waiting time for a child less than five years of age is one year. The waiting time for children over five years of age is two years.

All people on the waiting list were sent a letter in June 2004 to determine whether they still required this assessment. Those clients who failed to respond to the first letter were sent a second one asking them to contact us or their names would be removed from the waiting list. That is standard practice, as you would know. This action accounted for the significant reduction in the waiting list since August 2004.

I will give members some other figures; I can see Mrs Dunne with pen poised. In the ACT, 17 children were assessed in 1995, 65 to 75 in 2000-01, 84 in 2002-03 and 75 in 2003-04. New funding of \$1.63 million has been allocated over the next four years to expand the autism service, to improve support for families and children post-diagnosis, and to provide intensive parent education programs.

A second psychologist position has been advertised for autism diagnosis. The equivalent of three full-time therapists—a speech pathologist, a social worker, and a psychologist and occupational therapist—started work in February 2005 and spent the month developing the program. An information session is to be held on 16 March 2005—in a couple of days. Parents and relevant stakeholders were invited to a coffee morning to launch the service.

The service for kids with autism is something that we are very conscious that we need to address. The government has recognised that it is a significant issue. It is one that has emerged in recent times. Members would know that it was never spoken about in this place five years ago. I do not think that anybody could safely say that they knew the extent of the service. We have tackled this issue head on and I have every faith in the staff of Therapy ACT. Their determination that it is a priority for attack is well worth noting by this Assembly.

I would ask the Assembly to note the additional funds that have been put into it, the fact that we have recruited significantly to it and the fact that we are developing programs. Most significantly, we are working with the parents. The parents are the ones who have the difficulty day to day. That is something that we recognise and we respect.

Mr Speaker, I hope that I have answered Dr Foskey's question. If not, I am happy to receive a supplementary question. I can see that she is busting to ask one.

**DR FOSKEY:** Given that some children more than five years of age have a waiting time of up to two years, could you please advise me as to what support is given to the children waiting for the service while they are attending school?

**Ms Gallagher:** Maybe it is a question for me.

**MR HARGREAVES:** The question confuses me a little, Dr Foskey. I am not sure whether you are talking about social support for those families and their kids or whether you are talking about educational support for those kids.

**DR FOSKEY:** Mr Speaker, I take a point of order. If it is a question for a different minister, is it within the standing orders for that minister to answer it? Ms Gallagher is suggesting that it is a question for her.

**MR SPEAKER:** The question is supplementary to the question that you originally asked, Dr Foskey.

**MR HARGREAVES:** Mr Speaker, I will take the supplementary question. Firstly, there are the two aspects of support for these kids. There is the support within the education system and there is the support in their homes and within the community generally. Therapy ACT staff works with those parents and with those families to make sure that they have the sorts of support that they need to be able to handle a particularly difficult situation. They work extensively with them. They do not just stick them on a waiting list and leave them alone.

Secondly, within the education system, if you take the service provided at Gowrie primary school as an example, there are specific programs designed to give these kids assistance and, with a bit of luck, integrate them into the system. Sometimes it does not work. Sometimes it is a bit more intensive, one on one. But we do not forget the kids once they reach five years of age. We know that they are an integral part of our community and we look after them.

## Calvary Hospital

**MR STEFANIAK:** Mr Speaker, my question is to the Minister for Health. Minister, the opposition has been contacted by nurses who have advised that clinical staff at Calvary Public Hospital were directed/encouraged to take leave from 18 March through to 24 April this year. The reason given for this direction was that there would be a lull in activity during that period. Why will there be a lull in the operating theatres of Calvary from 18 March until 24 April?

**MR CORBELL:** This is a scheduled reduction in activity at Calvary Hospital during the school holiday and Easter period. The reason is that it coincides with Calvary's decision to manage the level of throughput it is funded for this year, and to take account of school holidays and the need for staff to plan their holidays in a way that coincides with the reduction in the planned level of elective surgery.

**MR STEFANIAK:** Mr Speaker, I have a supplementary question. Minister, for how many weeks will the Canberra Hospital close its elective surgery theatres between now and the end of the financial year?

**MR CORBELL:** I am happy to take that question on notice.

## Canberra Hospital

**MR SESELJA:** My question is to the Minister for Health. Minister, during the adjournment debate yesterday, you read a letter from a constituent outlining their positive experiences at the Canberra Hospital. Minister, is it the case that the letter was written by a staff member of a Labor MLA?

**MR CORBELL:** I do not intend to disclose the name or other details of the constituent who wrote to me. It was a letter from a constituent. I read it into *Hansard* to highlight the fact that I receive letters all the time from members of the community complimenting the government and the staff of our public hospitals and different public health facilities for their efforts. It is a practice I intend to keep up in this place.

**MR SESELJA:** I ask a supplementary question. Mr Corbell, is your reliance on a Labor staff member to talk up the performance of the Canberra Hospital another desperate attempt to cover the failings of your health system?

**MR CORBELL:** The reality is that the letter I read yesterday was a genuine letter from a constituent. I will continue to do that in this place to highlight the fact that there are two sides to the health debate. Yes, there are challenges and there are issues in our health system, issues the government is working hard to address. At the same time, there are many people who recognise the excellence of both the system and the service it provides. Given that those on the other side are only interested in one aspect, I think I need to balance the ledger and do the other.

### **Industrial manslaughter legislation**

**MS MacDONALD:** Mr Speaker, my question, through you, is to the Chief Minister, Mr Stanhope. You would be aware that the Howard government has introduced legislation into the federal parliament—yesterday, in fact—which seeks to undermine the territory's historic industrial manslaughter law. Chief Minister, what right has the commonwealth to intervene in the democratic process in the ACT?

**Mrs Dunne:** On a point of order, Mr Speaker: I ask for your ruling on the capacity in which the Chief Minister is answering this question about commonwealth powers.

**MR SPEAKER:** I think it also goes to the question of the Chief Minister who really is part of the democratic process in the ACT. That was a fundamental part of the question. I see no point of order.

**Mrs Dunne:** On the point of order, Mr Speaker: the question was: what powers does the commonwealth have to address this? The question was directly about what powers the commonwealth has to do this. The Chief Minister does not have any responsibility for commonwealth powers.

**MR SPEAKER:** I can fix this pretty quickly. If the member chooses to go and have a look at the administrative arrangements, they will show that the Chief Minister is responsible for intergovernmental relations.

**MR STANHOPE:** Thank you, Mr Speaker. I am aware that yesterday the commonwealth Minister for Workplace Relations, Mr Andrews, did introduce into the House of Representatives amending legislation designed to override in significant part the ACT's 2003 industrial manslaughter law. That law, of course, was groundbreaking law and, indeed, was not without some controversy. Indeed, the commonwealth government at the time expressed its dismay that the ACT would proceed with the new law—a law that is simply designed to promote safer workplaces within the ACT.

I have to say that it is also noted, of course, that the legislation was vigorously opposed by the ACT branch of the Liberal Party and, indeed, by members of the business community, all of whom, of course, claimed at the time that there would be a procession of businesses and businessmen out of the territory. That simply has not occurred.

**Mr Pratt:** It certainly did not encourage business confidence.

**MR SPEAKER:** I warn you, Mr Pratt.

**MR STANHOPE:** The scaremongering that accompanied the passage of the legislation simply has since shown to be what it was—shallow political posturing.

To answer the question: yes, the commonwealth does have the right, under the Australian constitution, to override legislation introduced in this parliament and does have the right, under the Australian Constitution, to override the democratic processes of the ACT. That is the big picture that we are talking about here. That is the issue at the heart of this debate. Irrespective of what anybody in this place thought about the legislation,

irrespective of how they voted, irrespective of what their personal philosophical view is, irrespective of what their ideological view around industrial manslaughter legislation is, it passed through this parliament. It was passed on the floor of this house. It passed through this place, expressing the will of the people of Canberra.

Here we have another parliament, the other parliament operating in the other place in the ACT, exercising power that, yes, it does have under the Australian Constitution. But what is the issue? This is not a debate at this time about the industrial manslaughter legislation of the ACT; this is a debate around the rights of the people of the ACT to have responsibility, through their elected representatives, to govern, to manage, this territory and to govern and manage on behalf of all the people of this territory.

We have seen indications in the past of the commonwealth government flexing its muscle. We saw it—

**Mr Smyth:** On a point of order, Mr Speaker: under standing order 118 (b) the minister cannot debate the subject. He has actually already answered it. It is now either tedious repetition or debate. I ask you to bring him back to the subject.

**MR SPEAKER:** He has a couple of minutes left, according to the standing orders, to continue with the answer.

**Mr Smyth:** My point is that he has answered the question. He has said, yes, they do have the power. He is now having a general debate about things the federal government has done. That is in violation of standing order 118 (b).

**MR SPEAKER:** Ms MacDonald asked the question, and she is entitled to hear the entire answer.

**Mr Smyth:** But only if it is relevant.

**MR SPEAKER:** It is relevant to the question.

**MR STANHOPE:** Thank you, Mr Speaker. We have seen other instances. I think, most notably was the intervention by the commonwealth to override the euthanasia legislation of the Northern Territory—a law that did impact. It was the same person, of course. What a coincidence! We have seen it in relation to euthanasia and we have seen it, of course, in relation to other areas of progressive—

**Mrs Dunne:** I have a point of order. Under standing order 118 (a)—

**Mr Pratt:** It is permissible under the constitution.

**MR SPEAKER:** You are under warning, Mr Pratt.

**Mrs Dunne:** The question was about industrial relations and not—

**MR SPEAKER:** No, it wasn't.

**Mrs Dunne:** It was about industrial relations and not about—

**MR SPEAKER:** It was about the powers of the commonwealth. The minister responsible for intergovernmental relations is responding to the question. The questioner is entitled to hear the answer.

**MR STANHOPE:** As I said, there are other instances. I was referring most specifically to euthanasia, where the commonwealth has, through the same minister, Kevin Andrews, actually exercised that power.

There have been other instances where the threat, the language, has been pursued. We saw it in relation to the commonwealth's dogged determination to ensure that neither the ACT nor, indeed, other places around Australia could pursue a heroin trial.

We saw the subliminal threat in relation to the gay and lesbian law reform exercise that the ACT has pursued over the past two years, most particularly in relation to amendments which the ACT has made to the right of—

**MR SPEAKER:** The minister's time has expired. Do you have a supplementary question, Ms MacDonald?

**MS MacDONALD:** Thank you, Mr Speaker. Are there explanations you can provide, minister, of the right of the commonwealth to intervene in the democratic process of the ACT?

**MR STANHOPE:** Thank you, Ms MacDonald. Yes, there are. I was referring most specifically to the threat levelled by the Prime Minister in correspondence to me in relation to progressive law reform designed to remove discrimination against Canberra residents in relation to the right, most specifically, of gay and lesbian couples to adopt children. We saw a quite direct threat by the Prime Minister to intervene in the ACT to overrule the nation's first bill of rights.

We have seen now, most directly and not through a threat or subliminal suggestion, undertone or undercurrent—in the introduction of this law by Minister Andrews to overturn protections afforded by the law of the ACT to residents of the ACT to actually remove a vital, valid and strong protection designed to ensure workplace safety—that the commonwealth is prepared to remove a right asserted last year, designed simply to make workplaces safer. It is a right, a law, a piece of significant law reform, nation-leading law reform, cutting-edge reform, designed to ensure the safety of workers within the ACT.

When we go to the fundamental issue—and it is the issue today—each of us might have views on any of those examples that I have used today. It may be that there are issues in relation to which the commonwealth might intervene with which I might have some sympathy with their philosophical position or their point of view, but that is not the point. The point is about the right of the people of the ACT to determine, through their elected representatives, through their parliament, what the domestic law of the ACT will be.

One might ask—and it is interesting, listening to the interjections of the opposition today—whether or not this is some strange, new heresy that I am suggesting: that we, as a parliament, should unite to oppose the intervention in our affairs by the national

government; we should say, irrespective of what we think about industrial manslaughter law, "We will oppose your intervention in our affairs; we will not accept the meddling by you in our affairs."

This is not only my view. I read, just last week, in a very significant and learned journal in circulation within the ACT, the *City News*, that a former President of the Senate, Margaret Reid, when talking about a conference that she is currently attending on federation, I think somewhere in Europe, said that one of the things she stood for, as President of the Senate and as a senator for the ACT over a couple of decades, was:

I always stood against the right of the Commonwealth to override legislation in the ACT and the Northern Territory.

Good on you ex-Senator Reid! Good on you for showing some courage! I am also joined in this sentiment, along with ex-Senator Reid, by former Chief Minister Kate Carnell who, on an ABC *Stateline* program, said:

This is not about politics. This is about democracy.

This was in relation to the gay and lesbian anti-discrimination law. This is what Kate Carnell, former Chief Minister of the ACT, said:

This is not about politics. This is about democracy. The ACT has Self-Government. That means we hold the Government responsible for what they do. If we don't like it, we get rid of them. That's what democracy is all about. We've got Self-Government here.

Senator Humphries is very much on the record in the past. We will see whether Senator Humphries can maintain the standards of ex-Senator Reid in relation to opposing interference in the affairs of the ACT.

The shadow Attorney-General is on the record explicitly in relation to the power of the commonwealth to intervene in the democratic affairs of the territories. Mr Stefaniak, in this place in 2000, was blunt and to the point:

... this parliament, small though it may be, has the right to make laws for the benefit of its citizens without the Commonwealth overriding them.

Good on you, Mr Stefaniak. Stick to your guns. You have got some work to do with your colleagues. Put aside your ideological opposition to industrial manslaughter legislation; acknowledge that it is an expression of the will of the people of Canberra, expressed through the democratic processes of this parliament; oppose what your federal colleagues are doing, intervening and meddling in the affairs of this parliament and this community.

### **Building and construction industry**

**MR MULCAHY:** My question is to the Minister for Industrial Relations. I refer to reports that new measures have been introduced nationally that are designed to crack down on corrupt practices in the building and construction industry as a consequence of the Cole royal commission recommendations. Do the minister and the ACT government

support these measures designed to end the culture of intimidation and unlawful behaviour that goes on in the building and construction industry?

**MS GALLAGHER:** Of course the ACT government does not support any corrupt or illegal activity in any industry anywhere across the country or in the ACT. We are not supportive of the commonwealth's ideologically driven agenda to break the power of the CFMEU, which is what it is trying to do through legislation in response to the Cole royal commission. That legislation did not get through the last parliament but the commonwealth are hopeful that it will pass post 1 July. This always raises some questions about legislation that they are sitting on until 1 July, because it usually means that it would not get through unless they had a majority—

**Mr Mulcahy:** They introduced it yesterday.

**MS GALLAGHER:** They may have introduced it yesterday, but I would bet some money on it not passing until after July. Anyway, the commonwealth government has spent millions and millions of dollars trying to break the power of the CFMEU, through their Cole royal commission—volumes of work, years of evidence—and they have not come up with anything. They really have not come up with anything. They have been unsuccessful in prosecutions. They have not been able to find exactly what they wanted to find about this inherently evil trade union.

In the ACT there is no evidence of corrupt practices in the construction industry. In fact, you should talk to industry groups—who would not participate in the Cole royal commission hearings when they were offered them: “Come down here. Come in, industry, and tell us how bad your ACT CFMEU is.” No-one wanted to; no-one would. They work cooperatively here—

**Mr Mulcahy:** I wonder why.

**MS GALLAGHER:** If Mr Mulcahy knows of some corrupt or illegal practice operating in the ACT, he should be reporting that. As usual, they can sit here and laugh and mock that this thing is going on, that the CFMEU are engaging in some sort of corrupt or illegal activity—but they should come up with the evidence. No-one has been able to do so. What operates here in the ACT is a very cooperative, collaborative industry. We are frequently in meetings with industry and unions where they all work very well together. In fact, in discussions at the time the Cole royal commission was around, many leading members of the building and construction industry spoke to the government and said that the industry here operated so well that they really did not want to see anything that was divisive and that they would not participate in what was a politically run agenda to smash the power of an influential trade union.

The government does not support what the commonwealth government is planning on doing; nor does any other state or territory government around Australia. We will be arguing against it. As usual, that will probably fall on deaf ears with Minister Andrews, who is just fulfilling Mr Howard's instructions as his foot soldier. But we will oppose it and we will be looking at ways to continue to support the active involvement of the trade unions and industry working cooperatively in the building and construction industry in the ACT.

**MR MULCAHY:** I am confused, Mr Speaker. I have a supplementary question to the minister, who I think said she was opposed to the culture. My question is: are you considering any complementary legislation to further enhance the reforms that have been introduced consequent to the recommendations of the Cole royal commission?

**MS GALLAGHER:** No.

### **Industrial manslaughter legislation**

**MR GENTLEMAN:** Mr Speaker, my question is to the Minister for Industrial Relations. Minister, The federal government has this week reintroduced to federal parliament the Occupational Health and Safety (Commonwealth Employment) Amendment (Promoting Safer Workplaces) Bill. Is this bill designed to restrict the ACT's leading industrial manslaughter laws from entire classes of employees, creating inconsistencies in the territory?

**MS GALLAGHER:** I thank Mr Gentleman for the question. As members would be aware, the commonwealth government yesterday reintroduced into the House of Representatives one of its many anti-worker bills that we will be seeing in the next couple of months, falsely titled "promoting safer workplaces". This bill seeks to affect the ACT's industrial manslaughter laws by excluding certain classes of employees in the territory from the operation of the law. This includes federal employees and people working for commonwealth-owned corporations.

The federal government knows, however, that commonwealth public servants—direct employees—are already outside the scope of the ACT's industrial manslaughter laws. This bill seeks to remove a further class of worker from the operation of the law—those who happen to be employed by some of Australia's largest corporations. The federal government has failed consistently to provide a compelling rationale for why this law is needed, as they have failed consistently to explain why our law is not needed, particularly when the operation of the law is having such a positive effect in promoting workplace safety and awareness about workplace safety.

The community across Australia has been shocked by recent cases of gross negligence and recklessness displayed by some employers that have led to the deaths of workers. Young, inexperienced workers have been killed by the actions of their employers, who have escaped justice. Corporations have been able to hide behind outdated provisions relating to their criminal liability, and to escape criminal sanctions. Our industrial manslaughter laws are currently the only laws with a capacity to respond to the challenges of the modern workplace. Mr Andrews has failed to explain why he thinks it is acceptable for a commonwealth-owned corporate entity—a large commercial business in every other sense—to escape responsibility for any action leading to the death of a worker caused by gross negligence or recklessness.

I had a look at Mr Andrews's second reading speech yesterday. There are a couple of things I agree with, actually—for instance, where he says that workplace death is inconsistent with the overall objective of an occupational health and safety legislative framework. We would agree with that. Our OH&S framework is primarily about preventing injuries and accidents from happening. So we would say that death in a

workplace, particularly negligent or reckless death in a workplace, is inconsistent with overall OH&S strategies. Mr Andrews goes on to say that the bill will remove the uncertainty that is facing commonwealth employers and employees. He says “uncertainty”. I cannot see that there is any uncertainty. If you recklessly or negligently kill someone in your workplace, then it is pretty certain that you should be charged for it.

**Mr Seselja:** Is there no criminal law? Does the criminal law not apply?

**MS GALLAGHER:** There is absolutely no uncertainty at all around industrial manslaughter law. Things could never be more certain as to what your responsibilities are. This is an unwelcome interference in the ACT Legislative Assembly. As the Chief Minister has said, it is interference in a democratically elected parliament which has faced two elections with industrial manslaughter. We went to the 2001 election with it as a promise; we delivered on that promise; we went back in 2004, having delivered on that promise, and look what happened: the Canberra community endorsed what this government had done in its first term.

Now we see someone from outside the ACT—someone who does not live here, with a view different from that of the ACT Assembly—seeking to impose that view on us and create two levels of workplace safety in the ACT. It is an absolute disgrace by Minister Andrews. He has not explained himself. He still has not actually said why he thinks that an employer or corporation who recklessly or negligently causes the death of a worker should not face the full sanctions of the criminal law like every other single individual does.

**MR GENTLEMAN:** Mr Speaker, I have a supplementary question. Minister, could you please outline for the benefit of members some of the ways in which the ACT’s industrial manslaughter laws have improved workplace safety?

**MS GALLAGHER:** I have to say that, having now been involved in the whole debate around industrial manslaughter for a couple of years and having worked as a union organiser before that, I have never seen so much interest in occupational health and safety as we have seen in the past 18 months. At every business lunch and every industry meeting I go to I look at the businesses requesting information from WorkCover, asking for WorkCover to come out and have a look at how they are operating their businesses.

Never before have we seen so much discussion and so much proactive action in the workplace from employers who want to make sure they are doing the right thing—and there are a number of employers who did not know of their obligations under OH&S who are now fully aware of their obligations. It has never been taken more seriously than it is now. That is for the benefit of everybody in the ACT, not just employees who have an extra layer of protection added for their families in the unfortunate case of an accident or workplace fatality; it is for employers as well. It is good for employers to have in place strategies to deal with occupational health and safety in their workplaces. This is what we are starting to see. There has never been more interest in occupational health and safety. In that alone, the industrial manslaughter laws have already been a success.

### **Motorcyclists—annual meeting**

**MR PRATT:** My question is to the Minister for Police and Emergency Services. Minister, the Ulysses Club for veteran motorcyclists is having its annual general meeting. Members of this club have been threatened by members of the Rebels Motorcycle Club, in fact, an outlaw motorcycle gang, simply because the Ulysses Club members are wearing motorcycle jackets with emblems on them. I refer to a statement by a member of the Ulysses Club in today's *Canberra Times*, and I quote, "This has destroyed our holiday. Canberra now sucks for me." He goes on to say, "The police apparently are unable to do anything to protect us."

Why are the police apparently unable to do anything to protect visitors to Canberra from intimidation by an outlaw motorcycle club? Who is running this town: the government or the Rebels Motorcycle Club?

**MR HARGREAVES:** I would like to take Mr Pratt's last question first. Who is running this town: the government or the Rebels Motorcycle Club? I will tell you who is not running this town. The federal government is not running this town. Neither is the opposition running this town. The opposition is irrelevant to the process.

**Mrs Dunne:** On a point of order, Mr Speaker. Under standing order 118(a), I ask the minister to be relevant.

**MR HARGREAVES:** I am answering his question.

**Mrs Dunne:** His question was: who is running this town—the government or the Rebel Motorcycle Gang? The minister cannot go on about the federal government or the opposition. He was asked a direct question.

**MR SPEAKER:** Mr Pratt asked who was running this town. Mr Hargreaves was less than a minute into his answer and you are trying to pull him up. I would like to hear his response.

**Mrs Dunne:** On the point of order, Mr Speaker?

**MR SPEAKER:** Yes.

**Mrs Dunne:** Mr Pratt did not ask Mr Hargreaves who was not running this town. We could come up with a long list of people who are not running this town.

**MR SPEAKER:** That is a frivolous point of order. Resume your seat.

**MR HARGREAVES:** If Mr Pratt is unhappy with the laws of this territory, he can get his mates on the hill to override the lot.

**Mr Smyth:** No, he is unhappy with your—

**Mr Pratt:** It's poor law.

**MR HARGREAVES:** He is unhappy. Mr Speaker, Mr Pratt interjects and says that it is poor law.

**MR SPEAKER:** Make your comments through me, Mr Hargreaves.

**MR HARGREAVES:** Clearly, our protective laws for our citizenry are not good enough. How about you go and see your mates on the hill and get them to overturn the whole lot, get rid of self-government, or just leave this place and go and join them on the hill. What a load of absolute, scare-mongering claptrap we have just been treated to! Scare-mongering claptrap. That is what this so-called shadow minister for police is up to.

For those members opposite who do not know, the Rebels Motorcycle Club is an Australia-wide motorcycle gang—they all know that; righto—with chapters that operate within the ACT-Queanbeyan area. In recent times, identified members of the club have been prosecuted for criminal offences within the ACT Magistrates Court and the Supreme Court of the ACT. You would not know that, Mr Pratt, because your remedial reading classes are not up to date.

**MR SPEAKER:** Order, Mr Hargreaves! Direct your comments through me.

**MR HARGREAVES:** The Ulysses Motorcycle Club is a social club of veteran motorcycle enthusiasts, ranging in age from 40 to 92 years of age. Sorry about that, Mr Gentleman. I cannot do anything about that. Members of the club come from diverse backgrounds and have a common link, that being the love of motorcycles. The average age—you are not going to like this either, Mr Gentleman—is 55 years old. Approximately 5,000 Ulysses members are currently in Canberra attending a national annual general meeting at the EPIC showgrounds from 7 to 13 March this year. One incident has been reported to police regarding the actions of a Rebels member at the EPIC showgrounds on 8 March. The matter was reported to police as a matter of information and the Rebels member has been spoken to in relation to his actions.

As a result of this incident, police are proactively patrolling the areas of the EPIC showgrounds and all operational police members have been informed of potential incidents that may arise involving members of the Rebels and Ulysses motorcycle clubs. There have been no other incidents reported to police involving threatening or intimidating behaviour by members of the Rebels towards members of the Ulysses Club since the commencement of the Ulysses' national annual general meeting.

If Mr Pratt has any information that I do not have—other than which he can glean from his daily reading of the *Canberra Times*—I suggest that he give that information to the police and they will act on it. If any other threatening or intimidating incidents have occurred, police request members of the public, including the illustrious shadow minister for police, to come forward and each incident will be investigated thoroughly. It must be noted that, for a successful conviction for threatening or intimidating behaviour, police require a signed statement from the victim and an undertaking that the victim is prepared to give evidence in relation to the matter in court.

Senior ACT police have been in contact with members of both clubs in an effort to resolve the issues, as reported in the *Canberra Times* on 10 March. The dispute, as

reported in the *Canberra Times* article, relates to Ulysses members wearing rockers—a rocker is a badge in the shape of a part-circle which is sewn on the jacket and turns up above the club's badge or logo. Police intelligence indicates that Rebels members believe they should be the only motorcyclists to wear rockers. It is seen as an insult by motorcycle gangs to wear rockers in a rival gang's territory. We know that now. Protection of a motorcycle gang's territory by its members is of paramount importance and is consistent among most motorcycle gangs.

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

### **Rural leases**

**MRS DUNNE:** Mr Speaker, my question is to the Minister for Planning, Mr Corbell. In June 2004, the minister was censured for persistently and wilfully misleading the Assembly. Yet on 9 December 2004 he told members in a debate about rural leases in the Molonglo Valley that "the full rights to the leases were actually purchased by the commonwealth in the seventies as well." We all know that the land in question has been leasehold since the end of the World War 1 when the leases were issued under the soldier settlement scheme. When will the minister own up to this further misleading of the Legislative Assembly and correct the record?

**MR SPEAKER:** Mrs Dunne, withdraw that. There is a clear imputation there and you should withdraw it.

**MRS DUNNE:** I withdraw the imputation and ask: when will the minister own up to the gross inaccuracy and correct the record?

**MR CORBELL:** I am advised that the remainder of my comments are adequate. I have clarified the record in relation to one comment I made, and I did that earlier this week, as is appropriate for me to do. The issues around these leases are technical and complex and I did make an error, and I corrected the record. But, as far as I am advised, the remainder of my comments are accurate.

**MRS DUNNE:** Why didn't the minister's correction contain an apology to the Assembly, as former practice requires?

**MR CORBELL:** I clarified my comments in so far as they may have been misconstrued. That is the appropriate course for me to take, and I did that.

### **Aged care—intermittent care program**

**MS PORTER:** My question is directed to the Minister for Health. This week the ACT and commonwealth governments launched a pilot program for intermittent care. Can the minister tell the Assembly about the program and how it will benefit the ACT?

**MR CORBELL:** This week I was pleased to launch, in conjunction with the commonwealth government and the commonwealth Minister for Ageing, the honourable Julie Bishop, a new program to help older people who require additional support to remain in, or return to, their own homes following hospitalisation.

The ACT intermittent care service pilot will start with 25 community-based packages for older Canberrans needing short-term care. The Australian and ACT governments jointly will provide more than \$1.9 million over 18 months for the pilot, which is being operated by the Baptist Community Services here in the ACT and in Queanbeyan.

I am delighted to be doing this. This is the culmination of a series of events around the need to provide further support for older people following an episode in our public hospital system. Of course, the opposition has sought, at every turn, to block this from happening, in terms of the operation of beds in, say, a revised rehabilitation independent living unit at the Canberra Hospital. They have sought to obstruct it in a range of other ways. They sought to obstruct the desperate need for drug rehabilitation beds here in the ACT, with their opposition to the refurbishment and extension of the Karralika drug and rehabilitation facility. It is indicative—

**Mr Smyth:** Mr Speaker, I rise on a point of order. The minister is reflecting on votes of the Assembly, where the previous Assembly called on him not to shut Karralika and not to shut RILU. The minister is in breach of the standing orders and should be made to withdraw those comments.

**MR SPEAKER:** That is not a point of order.

**Mr Smyth:** Mr Speaker, why is it not a point of order when he reflects on the votes of the Assembly?

**MR SPEAKER:** He is not reflecting on a vote of the Assembly.

**Mr Smyth:** Of course he is. He is accusing the opposition. It was not the opposition on its own; it was the cross benches as well. The minister will—

**MR SPEAKER:** That is a point you may wish to make as a point of debate, but it is not a point of order in the context in which you raise it.

**MR CORBELL:** As shadow minister for health, he should be promoting better health services in the ACT, not blocking them. I am very pleased that his federal colleague has a much more proactive approach to these issues. I was delighted to join with the honourable Julie Bishop in launching this program. The pilot program will see more than 120 older Canberrans at the crossroads of care.

These packages will provide rehabilitation and convalescent services for older people in hospital who need special care to help them regain their independence and return home. Of course, these 120 Canberrans could have been helped a lot earlier if it were not for the obstructionism of Mr Smyth in the previous Assembly.

This program will also assist people who need extra support to remain at home, rather than prematurely enter residential aged care. As our population ages, older Australians are increasingly demanding greater choice in how they receive care services as they age. I am delighted that this new partnership approach is now available here in the ACT.

What does it mean? On the ground, it means that for a 10 to 12-week period Baptist Community Services will provide a range of care to people who have either been discharged from hospital or who would otherwise need to go into hospital because they need a level of support and care that they cannot get at home. The support will be from primary and allied health care workers. It will really give these local residents an opportunity to improve, recover or regain their functional abilities after an illness or an operation.

A great example was given at the launch. There is a particular old lady at home. She has had a fall; she is not able to move around. The Baptist Community Services are not just providing care for her in terms of rehabilitation and support but also giving care to her dog, so that it can continue to be fed. She has that support at home as well.

This is a great example of an innovative approach to aged care services. It is one that will support older residents and prevent hospital admission or readmission. It will help them remain in their own homes. Secondly, it will offer people presently in hospital an in-patient rehabilitation program so they can return home with community-based support. This is another example of this government's commitment to delivering aged care services for the Canberra community.

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

## **Rural leases**

**MRS DUNNE** (Ginninderra) (3.26): Mr Speaker, I seek leave to make a statement in relation to Mr Corbell's correction on Tuesday, 8 March about a statement he made last December concerning rural leases in the Molonglo Valley.

Leave not granted.

## **Standing and temporary orders—suspension**

**MRS DUNNE:** In that case, Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mrs Dunne from making a statement.

Mr Speaker, on Tuesday, Mr Corbell skulked into this chamber at two minutes past 12, when he knew that I was not here, to make a statement so that he could correct the record. What one normally expects when someone comes in here to correct the record is for them to do something like—

**MR SPEAKER:** Order! Come to the point of the motion. The motion is for the suspension of standing orders and you have to debate why there is a need to suspend the standing orders.

**MRS DUNNE:** Why we need to suspend standing orders is precisely this, Mr Speaker: I need to make a statement and the Assembly should hear the other side of the case. This minister is afraid of that. That is why he will not give leave. When the minister made that

statement earlier this week, he did not make a correction; he perpetuated the lie that he told last year.

**Mr Hargreaves:** I take a point of order, Mr Speaker. Mrs Dunne is debating the issue. She has made a statement on why we should suspend standing orders. Let us vote on the motion.

**MR SPEAKER:** I think that Mrs Dunne is putting an argument as to why standing orders should be suspended and she should continue to do so.

**MRS DUNNE:** The argument, Mr Speaker, as to why we should suspend standing orders is that in December last year Mr Corbell said things that were patently and obviously wrong. They were things that were said by either a knave or a fool. We know quite categorically, no matter what we say about Mr Corbell, that he is no fool. What he did the other day was to perpetuate the lie that he told himself and allowed to be told by Mr Gentleman in this place.

**Mr Hargreaves:** I take a point of order, Mr Speaker. Mrs Dunne has implied that Mr Corbell is a knave. I think that she should withdraw that.

**MR SPEAKER:** This could become a debating point. Provocative language invites provocative debate and it might be easier not to use strong language, otherwise you will get a strong response.

**MRS DUNNE:** Mr Speaker, what in practice Mr Corbell did the other day was not to make a correction. He came in here and hedged about with a range of excuses about what he had said.

**MR SPEAKER:** Order! I am reminded that you did say, “perpetuate the lie” and you will withdraw that, Mrs Dunne.

**MRS DUNNE:** Why should I withdraw that, Mr Speaker?

**MR SPEAKER:** If you want to call people liars in this place, you have to do it by way of a substantive motion. I think that it is unparliamentary to suggest that somebody has perpetuated the lie.

**MRS DUNNE:** Mr Speaker, I said that he told a lie, not that he was a liar, which is quite different.

**MR SPEAKER:** I do not want to hear your explanation. I want you to withdraw it.

**MRS DUNNE:** No, I will not withdraw it, Mr Speaker.

### **Member named and suspended**

**MR SPEAKER:** I name you, Mrs Dunne, pursuant to standing order 202 (e).

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

That Mrs Dunne be suspended from the service of the Assembly.

**Mr Smyth:** Mr Speaker, I would like to speak to the motion.

**MR SPEAKER:** It is not open to debate, Mr Smyth.

Question put:

That Mrs Dunne be suspended from the service of the Assembly.

*A division having been called, and the bells being rung—*

**Mr Smyth:** Persistent and wilful misleading.

**Mr Corbell:** I rise on a point of order, Mr Speaker. Mr Smyth has asserted that I persistently and wilfully misled this Assembly and he should be asked to withdraw it.

**MR SPEAKER:** I did not hear that, but if you said it I order you to withdraw it, Mr Smyth.

**Mr Smyth:** Mr Corbell was found guilty of being a persistent and wilful misleader of the Assembly. That happened on 24 June 2004.

**MR SPEAKER:** That may be the case, Mr Smyth, but you cannot interject across the chamber that somebody has persistently and wilfully misled this Assembly. You can draw attention to the fact that there was a vote, but you cannot say that, and I order you to withdraw it.

**Mr Smyth:** I withdraw, Mr Speaker.

The Assembly voted—

Ayes 8

Noes 6

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Smyth
Ms Gallagher	Ms Porter	Mr Mulcahy	
Mr Gentleman	Mr Stanhope	Mr Pratt	

Question so resolved in the affirmative.

**MR SPEAKER:** Pursuant to standing orders, Mrs Dunne is suspended from the service of the Assembly for three hours.

*Mrs Dunne was therefore suspended at 3.33 pm for three sitting hours under standing order 204.*

## **Rural leases Standing and temporary orders—suspension**

Debate resumed.

**MR SPEAKER:** The question now before the Assembly is: that so much of the standing orders be suspended as would prevent Mrs Dunne from making a statement.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (3.33): Mr Speaker, I seek your clarification. Given that Mrs Dunne has been suspended from the service of the house and the motion is in her name, is it appropriate to continue with this debate?

**MR SPEAKER:** The question is still before the house.

**MR CORBELL:** Mr Speaker, I want to make it quite clear that the government is happy to allow Mrs Dunne to make whatever explanation she likes during the adjournment debate, under private members' business, in a personal explanation in accordance with the standing orders, or in a statement regarding misrepresentation of something she said under the standing orders. That is the appropriate avenue for these matters to be addressed.

**MR SPEAKER:** Mrs Dunne, you should leave the chamber.

*Mrs Dunne thereupon withdrew from the chamber.*

**MR CORBELL:** It is on that basis, Mr Speaker, that the government has adopted the approach it has in relation to this matter. We will not be supporting the suspension motion.

**MR SMYTH** (Brindabella—Leader of the Opposition) (3.34): Mr Speaker, it has been the tradition of this place for the last 15 years that members be given leave to speak on matters that they find important. That has been the tradition. That 15 years of tradition has just been thrown out of this place by a government whose arrogance has led it to condemn the federal government for conducting business which it is entitled to do under the constitution; but, if a member here wants to do business as he or she is entitled as a member of this Assembly, the government will now determine when the member gets to do that.

There are many ways in which we express ourselves. Recently, the Chief Minister sought leave to make a statement. This opposition has always given individuals leave to make statements because we want them to perform their jobs as they would like to do. That is a courtesy that should be extended to the members of the opposition and the crossbench. That is the sort of courtesy a government that is not afraid to hear the truth would extend. That is the sort of courtesy a government that is fully supportive of what a minister has said and knows it to be true would do.

Yet what does this government do? This government puts Mr Corbell in cotton wool so that we cannot actually debate what he said. That is why the motion for the suspension of standing orders should go through. The standing orders should be suspended because there is doubt about what this minister has said. There is a lot of doubt about what this minister says. You have to remember, Mr Speaker, that this minister has form. That is why, on 24 June 2004, the Assembly passed a censure motion concerning Mr Corbell that said, "The Assembly censures the minister for health and planning for persistently

and wilfully misleading the Assembly on a number of issues.” And it continues; it continues into this Assembly. He has been asked on several occasions to correct the record.

**Mr Corbell:** I take a point of order, Mr Speaker. Mr Smyth is again asserting that I am misleading the Assembly. He just said in his speech that I was censured for misleading the Assembly and then he used the words, “And it continues.” That is a clear accusation. It is unparliamentary. If they believe that I have misled the Assembly, I invite them now to move for the suspension of standing orders to try to censure me, Mr Speaker. The government is quite happy to have that debate and the government is quite happy for me, and I am quite happy as minister, to defend that and to show that this assertion is simply false. Mr Smyth is continuing to assert that I have misled the house when I have not.

**MR SPEAKER:** Order! I understand your point, Mr Corbell. Withdraw “it continues”, Mr Smyth.

**MR SMYTH:** Sorry, withdraw what?

**MR SPEAKER:** You said that Mr Corbell continues to do so.

**MR SMYTH:** I withdraw “Mr Corbell continues to do so”.

**MR SPEAKER:** Thank you.

**MR SMYTH:** Mr Corbell says that we can have a motion of no confidence or censure concerning him, but the government will not allow a debate on the very simple issue of whether or not we get to the basis of the facts on what this minister says. The minister has asserted on several occasions in the last couple of days that a six-month period of elective surgery was one of the best that we had seen, second best to only one, and yet when we confronted him on that we found out that actually seven months of figures were included in that number. He got it wrong. It is right to question what this minister says; but when a member has the temerity to stand and have a debate about it, this government shuts it down.

That is the thing that is wrong here. Mr Stanhope gets up and rails against the federal government and talks of attacks on the democracy of the ACT. Surely, under Mr Stanhope’s human rights legislation, people have the right to free speech. Where else but in their Assembly should they be able to take that right to its limit? Mrs Dunne has sought to question what Mr Corbell has said and this government has shut her down. That is why the suspension of standing orders should go through.

Mrs Dunne simply wants to bring to the attention of members the chronology of events and the shifting sands of the statements that Mr Corbell puts on the record. One, he does it without an apology, which is not the normal form for this place when you actually mislead or what you have said is not entirely accurate. When you realise that, you are obliged to come back in at the first available opportunity and apologise and correct. But we never get an apology out of this minister, Mr Speaker. He is always correcting, modifying and changing, and it is simply the right of Mrs Dunne to point that out. That is why the motion for the suspension of standing orders should go through.

Mr Speaker, this Assembly has seen a winding back of the rights of members. There are no extensions to speaking times. If you have a complicated or technical matter, you cannot get an extension. We have shorter sittings.

**Mr Corbell:** I take a point of order, Mr Speaker. Mr Smyth's arguments are now no longer relevant to the need to suspend.

**MR SPEAKER:** Order! Mr Smyth will not be saying any more as his time has expired.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (3.39): Mr Speaker, it is simply nonsense for the opposition—the Leader of the Opposition in particular—to make up, to confect, conventions that simply do not exist.

**Mr Smyth:** Mr Speaker, as we are getting pernicky: if I am making things up, does that mean that I am peddling an untruth? The Chief Minister should withdraw that.

**MR SPEAKER:** Cut it!

**MR STANHOPE:** Mr Smyth, the Leader of the Opposition, refers to the conventions of this place, conventions that have applied over 15 years, as to whether leave should be granted to speak willy-nilly. It is nonsense to say that any time a motion is moved to suspend standing orders it should be supported. This place operates, as does every other parliament in Australia, on the basis of the forms of the house and on its standing rules. That is the basis on which this parliament operates. It operates in exactly the same way as every other parliament in Australia, that is, on the basis of the forms of the house and on the basis of the standing orders.

How many times is there a suspension of standing orders in the House of Representatives to allow the opposition to debate a matter that all of a sudden is important to it? How many times is there a suspension of standing orders in the New South Wales parliament when a member of the opposition says in the middle of executive business, "I would like now to debate the behaviour of the minister for health, so let's suspend standing orders"?

**MR SPEAKER:** Order! The time for this debate has expired.

Question put:

That so much of the standing orders be suspended as would prevent Mrs Dunne from making a statement.

The Assembly voted—

Ayes 4

Noes 7

Mrs Burke  
Mr Pratt  
Mr Seselja  
Mr Smyth

Mr Berry  
Mr Corbell  
Mr Gentleman  
Mr Hargreaves

Ms MacDonald  
Ms Porter  
Mr Stanhope

Question so resolved in the negative.

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

#### **Aged persons accommodation**

**MR CORBELL:** In question time yesterday Mr Seselja asked me a question in relation to the tender processes for section 87 Belconnen. In answering the question, Mr Seselja indicated that he had provided my office with notice of the question and was disappointed with my response. I should inform members that at no stage did Mr Seselja's office indicate to me the specifics of his question or the detail that he required, only that the question was to be asked in relation to section 87. Therefore, I am disappointed that Mr Seselja has chosen to criticise me for not having the necessary information. I would ask either that Mr Seselja provide me in advance with the full detail of the question that he wants answered, if that is his wish, or that he place the question on notice. I can, however, provide the further advice to Mr Seselja.

Firstly, the Land Development Agency is managing the process for section 87 Belconnen under strict probity guidelines, which I am sure members would expect to be associated with this commercial tender. The agency has engaged the Australian Government Solicitor to oversee the probity arrangements and the evaluation of the tender process, and this has occurred in accordance with the agreed evaluation plan. I am advised that tenderers were assessed in relation to their achievements in terms of the project objectives and their commercial proposal. The project objectives for section 87 include (1) the achievement of an integrated residential aged care accommodation facility (2) the creation of a high-quality development which achieves innovation of design and (3) demonstration of the practical implementation of ecologically sustainable development principles.

In relation to the price paid by the successful tenderer, as I indicated yesterday this is in the order of, approximately, \$7 million. The reason the Land Development Agency is unable to advise me on the final price is that at this stage Illawarra Retirement Trust are the preferred tenderers and their final contract is still being negotiated. Further, it would be inappropriate to advise at this stage Mr Seselja or other members of the price paid by the highest bidder, simply because the final contractual arrangements between Illawarra property trust and the Land Development Agency are yet to be finalised.

### **Criminal Code regulations—2005**

#### **Paper and statement by minister**

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

Criminal Code 2002—Criminal Code Regulations 2005—Subordinate Law  
SL2005-2 (with explanatory statement) (LR, 4 March 2005)

I seek leave to make a statement in relation to the paper.

Leave granted.

**MR STANHOPE:** As members may be aware, the Criminal Code (Serious Drug Offences) Amendment Act 2004, chapter 6, commenced on Sunday, 6 March 2005, on the same day the criminal code regulation 2005 and the drugs of dependence regulation 2005 also commenced. The purpose of the criminal code regulation is to specify the substances and plants and the quantities of each that apply to the new drug laws. An advisory group comprising officers from the Department of Justice and Community Safety, the Office of the Director of Public Prosecutions, ACT Policing and ACT Health developed the regulations.

In developing the criminal code regulations the advisory group drew heavily on the existing tables in the drugs of dependence regulations 1993 and schedule 1 of the Drugs of Dependence Act 1989. However, the lists have been updated to include additional substances that appear in the standard for the uniform scheduling of drugs and poison. For example, the criminal code regulations will include ketamine, the drug used in drink spiking. The new drug laws also include offences for precursors—that is, the substances that can be used to make a controlled drug. These offences are new to the ACT and accordingly the criminal code regulation includes a list of precursors that are proscribed for the purposes of the offences in chapter 6. In preparing this list, the advisory group drew on the code of practice for supply diversion into illicit drug manufacture. The list predominantly reflects current trends in the production, supply and use of amphetamine type substances.

The government has been advised that a national scheduling committee has been set up to prepare model lists of quantities to control drugs, plants and precursors for implementation by all jurisdictions. The Model Criminal Code Officers Committee recommended the establishment of this committee with a view to achieving uniformity in serious drug laws across the country. The national scheduling committee will recommend the model lists and quantities on behalf of the Ministerial Council on Drug Strategy. It is expected the committee will report in the middle of the year.

Governments across Australia agreed in 2002 that it is time for a strong and consistent approach to serious drug offences. The ACT has done its part in implementing chapter 6 but, if there is to be an effective and coordinated effort against drug crime in Australia, it is important for the lists of proscribed substances and plants and the quantities of each to be consistent. Accordingly, when the national scheduling committee reports, the government proposes to review the lists in the criminal code regulation and, where appropriate, to bring them closer into line with recommended model lists.

## **Paper**

**Mr Corbell** presented the following paper:

Health Promotion Act—ACT Health Promotion Board, pursuant to subsection 26  
(6)—Strategic Plan—2005-2008.

## **Territory plan—variation No 209 Paper and statement by minister**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning): For the

information of members, I present the following approval of variation to the territory plan:

Land (Planning and Environment) Act, pursuant to subsection 29(1)—Approval of Variation No 209 to the Territory Plan—East O’Malley—Extension of Mount Mugga Mugga Nature Reserve, dated 7 March 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required

In accordance with the provisions of the act, this variation is presented with the background papers and copies of the summaries and reports. I seek leave to make a statement in relation to the papers.

Leave granted.

**MR CORBELL:** Draft variation No 209 proposes to:

- include a further 66 hectares of important yellow box and red gum woodlands into the Mount Mugga Mugga Nature Reserve by changing the land use policy in the territory plan from residential and major roads to hills, ridges and buffer areas and adding a public land PC overlay;
- identify an urban open space corridor through the East O’Malley residential estate to link the knoll with the reserve; and
- remove the major roads status for the constructed portion of Ngunnawal Drive between the existing residential areas in section 32 in O’Malley and section 506 in Isaacs.

The variation was released for public comment on 12 December 2003, with comments closing on 18 February 2004. A total of three written submissions was received during that period. A minor amendment has been made to the draft variation so as to include a playground in urban open space rather than hills, ridges and buffer areas. This permits a more appropriate land management regime to be undertaken.

In its report No 3 of January 2005, the Standing Committee on Planning and Environment made four recommendations in relation to the draft variation. The committee’s first recommendation related to future draft variations concerning expansion of residential areas or impacting on Canberra nature park. The committee recommended that these variations should include maps and data to demonstrate how proposals contribute to ecological connectivity and meet regional targets for protection of species. The committee also suggested that these variations should show the location of the proposal in the broader context.

The draft variation for east O’Malley changes the existing residential land use policy to allow for the expansion of the Canberra nature park. As such, it involves a reduction rather than an increase in the amount of land identified for residential development. Earlier documents, including the planning study and preliminary assessment, addressed conservation issues in greater detail and were subject to community consultation. The committee’s recommendations in relation to ecological connectivity, species protection

and context have been referred to the ACT Planning and Land Authority for consideration in preparing future draft variations.

The committee's second recommendation concerned Environment ACT working with interested community stakeholders to restore woodland habitat in the Mount Mugga Mugga nature reserve as a matter of priority. This recommendation supports the government's existing commitment to restore woodland habitat in cooperation with local community stakeholders. The government's capital works associated with rehabilitation of the existing creek erosion will assist in providing a stabilised creek bed and removing woody weeds. This will be further enhanced by the proposed water quality control pond in the area. When the current works have stabilised, and the extent of natural regeneration becomes clear, it will be possible to assess the need for any further restoration works.

The committee's third recommendation concerned possible community interest in, and Environment ACT support for, establishment of a new park care group for the Mount Mugga Mugga nature reserve. The ACT's park care coordinator has commenced discussions to set up this group and it will be ready to operate in the near future. Environment ACT will provide support to the group and will involve the group members in the assessment of restoration works required.

The committee's fourth recommendation was to agree to draft variation 209. This recommendation is supported.

### **Territory plan—variation No 248 Paper and statement by minister**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning): For the information of members, I present the following approval of variation to the territory plan:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 248 to the Territory Plan—Aged Care Facility Hughes—Part Block 12 Section 28 Hughes, dated 7 March 2005, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required

In accordance with the provisions of the act, this variation is presented with the background papers and copies of the summaries and reports. I seek leave to make a statement in relation to the papers.

Leave granted.

**MR CORBELL**: Draft variation No 248 proposes to vary the territory plan for part block 12 section 28 from urban open space to community facility land use policy. Through the building our ageing community strategy, the government has made a strong commitment to making land available to meet the accommodation needs of Canberra's ageing population. This variation provides a further opportunity to deliver on this commitment and provide aged care accommodation solutions.

The variation was released for public comment on 23 July 2004, with comments closing on 3 September 2004. A total of three written submissions was received during that period. Two of these submissions were highly supportive of the proposal to provide additional aged care facilities; one submission was critical of loss of urban open space and considered the decision to be of a short-sighted nature.

In its report No 2 of January this year, the Standing Committee on Planning and Environment made three recommendations in relation to the draft variation. The committee's first recommendation was that Roads ACT install traffic-culling measures in Groom Street, to promote safety and to deter unnecessary use of the street by out-of-area traffic. Such measures could include a 40-kilometre-per-hour zone, prominent signage and/or traffic humps. The effectiveness of these measures should be monitored and a review report should be prepared for the committee within 12 months of the measures being undertaken, highlighting particularly the identified incidence of breaches of the speed limit.

The government's response to the first recommendation is based on the findings of the review of school crossings and traffic issues at schools, childcare and older persons facilities, dated July 2004. The statistics on pedestrian accidents and travel speeds associated with aged care facilities concluded that the reduction in speed limits in these areas is not warranted. However, the report recommended that there be ongoing speed monitoring and enforcement at individual sites.

The committee's second recommendation was that Roads ACT construct a safe pedestrian crossing near the proposed development, with pram or wheelchair ramps, a traffic island and other safety measures, at a safe distance from bus stops. The government's response to the second recommendation is that the design for a safe pedestrian refuge is under way and that the traffic conditions will be monitored and a report will be prepared in 12 months time by Roads ACT.

The committee's third recommendation was that the variation should proceed. I have pleasure in tabling this draft variation.

## Papers

**Mr Corbell**, on behalf of **Ms Gallagher**, presented the following paper:

Occupational Health and Safety Act, pursuant to section 228—Operation of the *Occupational Health and Safety Act 1989* and its associated law—Second quarterly report for the period 1 October to 31 December 2004.

**Mr Corbell** presented the following papers:

Road Transport (General) Act, pursuant to section 216—Nominal Defendant (Australian Capital Territory)—2004 Annual Report, dated 21 January 2005.

National Transport Commission Act (Commonwealth)—National Transport Commission—Annual Report 2004, including financial statements and report by the Australian National Audit Office, dated 29 September 2004.

## **Transport reform Ministerial statement**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.01): I seek leave of the Assembly to make a ministerial statement concerning the implementation of sustainable transport reform.

Leave granted.

**MR CORBELL:** The government's sustainable transport plan has set the direction and policy framework to achieve a more sustainable transport system for the ACT over the next 25 years. The plan seeks to maintain the high levels of accessibility that Canberra enjoys, by achieving a shift towards more use of walking, cycling and public transport. It sets out to increase the use of sustainable transport modes—walking, cycling and public transport—from 13 per cent of work trips in 2001 to 20 per cent in 2011 and 30 per cent in 2026. Work trip targets are used in this plan because they are the most reliable data source and can be monitored using the Australian Bureau of Statistics journey to work data. It is, however, expected that similar mode shifts will be achieved for total trips.

This plan will not to be achieved by adversely restricting the use of cars, which provide the community with significant benefits, but by making other transport modes more attractive and competitive with the car. New roads such as the Gungahlin Drive Extension and Majura Parkway will also maintain accessibility levels in Canberra and provide corridors for public transport and cycling. In addition, a balanced approach to the management of parking and to future road investment will help achieve the goals of the plan.

The sustainable transport plan outlines a package of mutually supportive initiatives to create a cultural change for transport, based on making the alternative modes more attractive and easier to use. The range of measures outlined in the plan includes busways and bus priority measures; real-time information for bus services; improved public transport interchanges; improved cycling and walking facilities; TravelSmart programs; and integrated land use, and, in particular, the achievement of the contained urban form through implementation of the government's spatial plan.

The initiatives identified in the transport plan are a comprehensive package of complementary measures designed to have maximum impact in achieving a shift towards a more sustainable transport system. The implementation of these projects and programs requires funding from the government for capital and ongoing operations and maintenance. Consistent government investment over several years is needed to achieve the plan's goals. The plan provides the framework for this investment. ACT government agencies will prepare annual budget proposals for transport in line with the plan, beginning in this financial year 2004-05.

The key projects currently in progress as part of the implementation of the plan are the Belconnen to Civic busway, the Gungahlin to Civic busway, bus interchange upgrades in Belconnen and Woden town centres, bus system improvement, including real-time information system for the bus network and demand-responsive feeder services, bike

racks on buses, trunk cycle network improvements, travel behaviour change projects and the development of an ACT-wide parking strategy.

As you can see, for the first time an ACT government has a comprehensive transport strategy designed at improving the motor split and improving our reliance on other non-car modes, in an effort to reduce our reliance on the private motor vehicle and the damaging greenhouse gas emissions that occur as a result of the use of those vehicles, but also to improve the quality of our urban life and urban environment through spaces that are focused on lively places for people, events and activity rather than simply for the motor vehicle.

I would now like to outline a range of measures the government is implementing. Through a budget allocation in the current financial year, the government is investing \$6 million to undertake the design of a Belconnen to Civic busway. The Belconnen to Civic busway is a major infrastructure project for the ACT government. It has the potential to redefine the nature of Canberra's public transport system. The proposed 10-kilometre route from Belconnen town centre to the city runs parallel with College Street, to Hayden Drive in Belconnen, curves past Radford College and across to Canberra Stadium and Calvary Hospital, before following Belconnen Way into the city.

This route is a starting point for further discussions and mainly follows an alignment designated some years ago in the territory plan as a public transport corridor. It recognises the needs of commuters wanting fast access to and from the city, and the plan is to have stations near the following institutions: the Australian Institute of Sport and Canberra Stadium; the Australian National University; the Canberra Institute of Technology, Bruce Campus; Calvary Hospital; the Childers Street precinct in city west; CSIRO Black Mountain headquarters; Radford College; and the University of Canberra.

With the Belconnen to Civic busway constructed, buses will have a distinct advantage over motor vehicles travelling on College Street, Hayden Drive, Belconnen Way and Barry Drive, as they will have a dedicated roadway designed to decrease the door-to-door travelling time compared to the private motor vehicle. The reduction in door-to-door travel times will be achieved through:

- faster travel times, as the busway will be only be used by buses and emergency vehicles, reducing congestion especially during peak periods;
- a consistent trip time. Each journey will always be the same time, as services are not influenced by external factors such as traffic lights, traffic, motor vehicle accidents and so on;
- greater frequency of bus services and more express, non-stop services, compared with bus services on local roads;
- improved journey times through the Belconnen town centre, with an almost straight journey from the western side to the eastern side of the Belconnen town centre, with no waiting times at the interchange. In fact, the Belconnen interchange will be demolished altogether and replaced by bus stations adjacent to major shopping and employment centres. Suburban buses will also be able to access the busway at key locations, providing a same-seat, point-to-point journey.

What is important about this is that the government has done extensive research to understand what influences people's decisions about which transport mode they choose. And, whilst price is often cited as an issue for public transport, in fact the key determinant for people's decision making is the flexibility and the timeliness. If we can improve the timeliness of public transport, if we can improve how competitive it is in contrast to the motor vehicle, we will encourage people to use public transport.

I would like to outline to you, Mr Speaker, and to members some of the time savings we have calculated as a result of the range of measures I have outlined in my statement today. For example, if you are travelling in your electorate, Mr Speaker, from Fraser shops through to the Canberra Centre the current journey time by bus is 45 minutes. The busway and other measures will cut that travel time by 11 minutes, down to 34 minutes. If you are travelling from Charnwood shops to the Legislative Assembly, or more importantly to London Circuit here in the city, the current travel time is 48 minutes; the expected time is 35 minutes or a time saving of 13 minutes on that journey. That is on route 313 from Charnwood to the city. As another example I cite the journey from Higgins shops through to National Circuit in Barton, in the middle of the parliamentary triangle. The current journey time is one hour. We anticipate cutting that journey time to only 45 minutes, or a 15-minute saving on route 217. So this shows the real and positive benefits that residents in the Belconnen area in particular will receive through the development of this piece of infrastructure.

In addition, of course, Canberrans will be able to avoid traffic congestion and competing for limited city centre parking by using one of the Park'n'Ride facilities that will be provided adjacent to the major bus stations. People will be able to travel to these bus stations, park their vehicles and then ride into the city centre—again, major savings in terms of parking fees and travel times.

All stations and major organisations adjacent to the busway will have a state-of-the-art intelligent transport system that displays real-time information on bus arrivals. The busway will also provide indirect benefits to the community, including reduced running and maintenance costs for bus operators such as ACTION, reduced vehicle emissions, and improved running times for emergency vehicles, the only other mode that will be permitted to use the busway.

Tenders for the engagement of a consultant to undertake a thorough environmental and heritage assessment of the busway, including determination of the final route, have closed and those consultants will commence work shortly. Work to determine a final route will include the identification and assessment of other route options, an environmental, heritage, economic, social and operational impact assessment of route options, and conceptual drawings. After consideration of the environmental impacts and the necessary approval processes have been completed, construction is expected in early 2007, subject to budget considerations.

Development of the busway is also a key element that will help revitalise the city under the government's Canberra central program and in the implementation of the Canberra spatial plan and the National Capital Authority's Griffin legacy. All of these key planning documents envisage a much greater density of city development. In turn, this

will require more efficient delivery of people to the city centre, a task only able to be met by an efficient public transport system.

The Belconnen to Civic busway is essential for strong transport links into the city centre. As envisaged in the sustainable transport plan, the Belconnen to Civic busway will ultimately form part of a broader network of busways providing similar services between all of Canberra's town centres and the city.

I would now like to turn to the Gungahlin to Civic busway project. At the same time as the preliminary work is under way for the Belconnen to city route, stage 1 of Gungahlin to Civic busway is already well advanced. This will provide a bus lane at the congestion part of Flemington Road. \$900,000 has been allocated this financial year to build this bus lane. Preliminary design will be complete this month and construction will be completed before the end of 2005. The bus lane will result in significantly reduced delays for bus users and a more reliable bus service.

Stage 2 of the Gungahlin to Civic busway is also under way. This stage will include the provision of bus priority measures on Northbourne Avenue. A feasibility study is under way into the various options to significantly improve bus travel times along Northbourne Avenue and is expected to be completed in June this year. Design and associated planning studies are also expected to commence this year.

An issue that is often raised with me by people in the community is the quality and state of our bus interchanges—how unsafe and dangerous people feel they are. The government acknowledges this and has taken the first steps towards providing high-quality facilities for bus passengers in the Belconnen town centre. A quarter-of-a-million-dollar contract has been let to design a new roadway through the Belconnen town centre that will improve the transit times of buses through the Belconnen town centre area.

The first stage of the town centre bus system upgrade will provide bus passengers with better access to workplaces and retail facilities around Belconnen by replacing the outmoded Belconnen bus interchange with four new bus stations at key points around the business and employment centres in the town centre. The four stations will provide new standards of passenger convenience and comfort and allow passengers to alight much closer to their destination.

Making public transport more convenient and more attractive is what makes it a real alternative to the private motor vehicle and that is a key outcome of the sustainable transport plan. Ultimately, the four new stations in Belconnen will link with the Belconnen to Civic busway. The design will be developed during the next six months. It will be based on considerable work already done in planning a more customer-focused public transport system for Belconnen, replacing the single interchange with four new bus stations. These will be located near the aquatic centre and close to Lake Ginninderra College, on the site of the existing interchange but not as large, on Belconnen Mall south-western side, and in the mixed service area west of the mall around Lathlain Street.

In addition, the government has already commenced implementing other elements of improved public transport and access for Belconnen, including \$1.5 million for the

Aikman Drive extension, which opened in February this year, and \$3 million for the Cohen Street extension, which is currently being designed.

Of course, the other bus interchange that attracts much criticism is Woden. This bus interchange will also undergo a major upgrade. In the Woden town centre, the interchange will be redesigned and integrated with new retail and commercial development. The concept design is due for completion this month and a preliminary assessment will be released before the end of this financial year. Completion of the new integrated bus lounge is expected by 2008.

In terms of bus system improvements, along with these infrastructure improvements we have to focus on improving the service delivery of ACTION further, and ACTION is committed to doing this. ACTION has already introduced a number of improvements to the public transport system: the successful Labor initiative the One Fare Anywhere strategy, the new Xpresso services that were introduced in September last year and new and improved bus services into expanding areas of Canberra. On top of this there is a \$23.3 million commitment to new airconditioned, low-floor, accessible buses and the pilot of the dial-a-bus service in Weston Creek, which began on 31 January 2005.

As a result of the Stanhope government's commitment in the 2004 budget, ACTION introduced new express services across Canberra at a cost of \$1.3 million for peak-hour, express-route travel directly for the adult full-paying passenger. The Xpresso services commenced in September last year and these provide ACTION customers with reduced travel time, services that are more direct to work, multiple departures on each route and a wider choice of services from the outer areas of Canberra. Patronage on these services has been extremely successful, with full capacity on services. This demonstrates the demand for such services and the importance to continue to provide these to Canberrans.

For example, Xpresso 705 travels directly between the Belconnen and Tuggeranong town centres. This means that you can now catch a bus from one side of Canberra to the other without having to go through the city or Woden interchanges and it takes only 27 minutes. There are four morning and afternoon times in each direction to choose from. Xpresso services 701, 702 and 703 depart from various Belconnen suburbs, bypassing the Belconnen bus interchange, and they head straight for the city, Russell, Parkes and Barton. Xpresso 788 services Gordon, Banks, Conder to Barton, Parkes, Russell and the city route, and travels directly along the Monaro Highway. Xpresso 85 services the Lanyon Marketplace, Banks and Conder direct to the city and Xpresso 87 services the Lanyon Marketplace, Gordon to the city.

These are all examples of how we are trying to emphasise public transport, providing services which are more direct, more timely and, importantly, focused on the commuter peak time. Public transport for the Canberran adult worker is now a viable option. Instead of driving to and from work in peak hour and paying for car parking, for as little as \$4.20 a day Canberrans can instead use the Xpresso services. As a result of these services, in February this year, for the first time in ACTION's history, ACTION passed a milestone of 20,000 adult passenger boardings in one day. This equates to an average 6½ per cent increase in adult passengers on ACTION over the same days last year—a 6½ per cent increase in patronage, a significant increase.

Patronage continues to grow. In 2003–04 adult patronage increased by an additional two per cent, an area that ACTION has deliberately targeted throughout the year, carrying an additional 264,000 of these passengers compared to the base year of 2001–02 when the government first came to office. Based on the relationship of the 2001–02 modal split and adult peak period passengers, ACTION has progressed to a modal split of 7.36 per cent of all journeys at the end of 2003–04. This is a very positive sign. It shows that the huge increase in patronage that occurred in 2003 is being maintained and is increasing at a steady pace. I can confidently say that ACTION is now well on track to achieve the nine per cent modal split in adult journeys to work by 2011 set as a target by the government in the sustainable transport plan.

ACTION is also improving services for non-work-based trips. In January this year, ACTION introduced a trial “on demand and flexible” transport evening service in the Weston Creek area. Patronage on this service has increased by approximately 50 per cent, highlighting the demand for area services in Canberra. One of the many advantages for ACTION customers is the added safety of being dropped off closer to their homes. After 7.30 pm, people travelling by bus in the suburbs of Weston Creek call the ACTION customer service centre and a bus is sent out to their nearest bus stop. This really is demand-responsive transport.

From Woden interchange customers inform the driver of their destination and the driver plans the optimum route to get everyone close to their homes. For travel departing from any point other than Woden interchange, customers book their pick-up at the closest bus stop by phoning ACTION’s customer service centre. ACTION takes the customer’s location details, forwards them to the bus driver and the passenger then arrives at the arranged bus stop to be picked up at the arranged time. We have received very positive feedback from customers using this service. This is another example of the Labor government and ACTION’s commitment to improve bus services and travel flexibility.

Lastly, I would like to mention as part of our ongoing commitment to public transport a trial using SMS as an information tool for ACTION customers. This will shortly be introduced. SMS will provide ACTION bus timetable information to customers. Before leaving home to catch a bus, while sitting at work or out shopping, ACTION customers will be able send a text message to find out when their bus is scheduled to arrive and what bus number they need to catch. The trial is proposed at no cost to the government apart from some promotional advertising.

SMS is also a medium that will assist people with a disability. ACTION has received support from the ACT Deafness Resource Centre, saying that for 83,600 deaf and hard-of-hearing people in the ACT and surrounding districts this will be a major breakthrough in providing even more access to ACTION’s timetable. They fully support ACTION’s initiative—another example of the government’s strategy to increase patronage and provide ACTION customers with better services.

I would like now to turn to the provision of real-time information systems for public transport. Linked with the busways and system improvement outlined already is the introduction of a real-time information system. Real-time information is identified within the sustainable transport plan as an important initiative that can improve the effectiveness of the public transport system as well as the perception by patrons of the

network's reliability. There is nothing worse than standing at a bus stop and not being sure whether the bus has already been, if you are late, if you are early or how long you have got to wait. Combined with other parts of the operation and expansion over time of busways, real-time information will contribute significantly to an increase in people using the public transport system. Experience interstate and overseas has shown increases of up to 25 per cent. At present the government is investigating the most appropriate technology for Canberra's current and future needs, as well as determining how and where trials will be conducted to test the system.

I would now like to turn to some other transport modes, in particular, cycling. In line with the sustainable transport plan target of doubling the percentage of trips by bicycle by 2011, a 10-year master plan has been prepared to provide an integrated trunk cycleway network across the ACT. Implementation of the master plan to improve trunk cycle paths has already been commenced, with the recent completion of a major cycle lane linking Woden to Dickson and additional cycle lanes under construction now on Hindmarsh Drive and Melrose Drive.

Travel behaviour change projects: travel behaviour change is a strange name, but it is a key component of the transport plan and basically it means aiming to encourage people to get out of their cars and travel using more environmentally friendly modes—in other words, to walk, ride their bike or catch the bus wherever possible. It is called TravelSmart and the government is involved in two major travel behaviour change projects, giving people information so they can make informed choices about which travel mode they use.

The first project, the national travel behaviour change project, is jointly funded by the ACT government and commonwealth government. Altogether, over \$1.3 million has been allocated to this project over the next three years. The project aims to reduce greenhouse gas emissions by approximately 74,000 tonnes of carbon dioxide equivalent by reducing vehicle kilometres travelled by private cars by 232 million vehicle kilometres. This will be achieved by contacting individual households and informing them of the many alternatives to car travel available to them personally and encouraging them to travel in more sustainable ways.

The project will be undertaken in the Belconnen and Gungahlin areas, with over 10,000 households being approached to participate in this voluntary program. That means 10 per cent of all households in Canberra will be offered the opportunity to participate in this program. Programs like this elsewhere in Australia, and an earlier trial here in Canberra, have shown that Canberrans participating will achieve a 14 per cent reduction in vehicle kilometres travelled.

In addition to the national travel behaviour change project, the ACT has its own TravelSmart officer. Currently our TravelSmart program is focusing on individuals in the workplace and it is doing this by working with five workplaces, including the ACT's Department of Urban Services and the Planning and Land Authority, to develop travel option plans for employees. This workplaces program is jointly funded by the Australian Greenhouse Office, Environment ACT and the planning authority. Like the national travel behaviour change program, the workplaces program is a voluntary program that encourages people to change the way they travel by reducing their reliance on cars and

promotes healthier and more sustainable travel options such as walking, cycling, use of public transport, car-pooling, working from home and so on.

All in all, it is about reducing greenhouse emissions, it is about reducing our impact on the environment and on climate change and it is about creating more liveable communities focused on people not on the motor vehicle.

I would also like to talk about bike racks on buses. Linked to bus system improvements and the travel behaviour change project, this year's budget has provided over \$300,000 for a trial of bike racks on ACTION's buses. The racks will provide for bicycles to be carried at the front of the bus, similar to those now in place in the Brisbane City Council area. It is planned that racks will be in service by June this year.

Finally, I would like to talk about parking strategy. As I said at the beginning of my statement, the reform of the transport system cannot ignore the fact that most people in Canberra currently use the car to get around and that, even in the long term, a great many in our community will continue to do so. This is why management of parking is a key component of the government's sustainable transport plan. The availability and pricing of parking affects the decision to travel and to use cars and other modes of transport. Analysis of the supply and demand for car parking in the town centres shows that there is more than an adequate supply, although the supply is being progressively reduced as vacant development sites that have been used for public parking are now being developed.

There are growing pressures on car parking in Barton and Civic and in Woden and Belconnen town centres. With the revitalisation of Civic, and the further development of Woden and Belconnen, it is expected that the public surface car parking supply will continue to decrease. As a result, there is a need to identify long-term plans to provide for short-stay and long-stay parking for the town centres. Accordingly, this year the government funded the development of a parking strategy for the ACT. The strategy will be complete by June and will review and recommend improvements to ACT parking policies and guidelines for land use in commercial centres in line with sustainable transport and land use planning objectives. It will include a parking strategy for the commercial centres in the ACT, maximise the efficiency, usage and equity of existing car parking and include a business strategy model for the development and operation of structured car parks in town centres and commercial areas in the ACT. By structured car parks, I mean multistorey car parking.

Experiences elsewhere, and the modelling of Canberra's future transport needs, show that Canberra and Canberrans will benefit from a transport system that has a greater role for walking, cycling and public transport and a more efficient use of the existing transport system. Such a system will reduce greenhouse gas emissions, air and noise pollution and accidents, provide more transport management options as the city grows, make Canberra a more dynamic, liveable and attractive city and encourage more physical activity, with resultant health benefits for individuals and for our community as a whole. It will help to manage congestion on our roads and it will reduce the need for additional vehicles, thereby reducing the transport cost to householders.

Today I have outlined how this government is making significant progress towards transport reform to achieve these important outcomes. I look forward to the ongoing

projects now under way, the completion of them and of reporting to the Assembly on the government's progress.

**Mr Seselja:** Mr Speaker, would the minister move that the Assembly takes note of the paper?

**MR CORBELL:** I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Sustainable urban development—mandatory benchmarks**

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

**MR SPEAKER:** I have received letters from Dr Foskey, Ms MacDonald and Mr Mulcahy, proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79 I have determined that the matter proposed by Dr Foskey be submitted to the Assembly, namely:

The importance of setting mandatory benchmarks for sustainable urban development.

**DR FOSKEY** (Molonglo) (4.31): I was inspired to write this speech following the debate in the Assembly of the Greens' motion for the BASIX scheme to be adopted for new residential dwellings. As you know, that scheme would have made measures for water and energy efficiency mandatory—measures which our experience shows are necessary to give us any hope of meeting our targets to reduce greenhouse gas emissions to 1990 levels by 2008.

I do not plan today to argue the need for action on these and other environmental fronts. Those who do not yet understand the urgency for action must have spent their lives watching *Big Brother* and ignoring the *Canberra Times*. In essence, I argue today that it is essential that in this term the government take the bit in its teeth and decide that it wants to be responsible for making this territory a leader in all the things it talks about: sustainable transport systems; urban design, which allows us to reduce our water and energy use, enhances social interaction and builds community; and protection of nature parks which link inner Canberra to Namadgi in the south—a city, in short, which is in harmony with its environment.

This government have made “sustainability” a central theme: we have the Office of Sustainability; we have many plans for sustainability; we have a report entitled *Measuring our progress—Canberra's journey to sustainability*; the government intend to introduce sustainability legislation; and we often hear the Chief Minister talk about sustainability. “Sustainability” is a term with different meanings to different people. While the Chief Minister might argue, as he did at a recent committee hearing, that sustainability is not just about the environment, there can be no doubt that it does include the environment, along with social justice and developing the kind of economy that enhances both. Indeed, it would be hard to separate the three planks of sustainability and the Greens argue that none is attainable or desirable without the others.

The *Measuring our progress* report uses the ecological footprint to show that the way we live in Canberra is indeed unsustainable. The main value of the ecological footprint is to provide a comparison of relative environmental and social impacts of different groups of people, measured in the amount of land required to sustain individuals across a group. Simple mathematics tells us that, if the earth's land mass were divided equally among the entire population, there would be around 1.5 hectares per person. This, of course, includes mountains and other areas unavailable for cultivation, but it is a useful metaphor for revealing that there are limits to our ever-increasing consumption and inevitable inequities. There is a range between seven hectares per person—such as in Canada and the United States—and half a hectare per person in Bangladesh. You will not be surprised to find that Australians are among the highest consumers of resources, but you might not have realised that Canberrans are the worst of the lot. The average Canberran needs 5.7 hectares of land to sustain the lifestyle they enjoy. Of course, there is variation in that range, with the richest 20 per cent using close to 6.7 hectares and the poorest 20 per cent using 3.6 hectares.

Let me say right now that I am not making an argument for reducing incomes. While I certainly see equity as a key ingredient of sustainability, I do not think that making everyone poor is the way to achieve it and you will be relieved to know that I do not plan to argue for this here. I do, however, believe that societies as well off as ours have a responsibility as global citizens concerned about sustainability and equity within and between future and current generations to reduce the size of our ecological footprint. At the same time, we need to be working to assist others to improve their standard of living without significantly increasing their resource use. After all, we do not have the three earths necessary for everyone to live like we do!

Too often governments shaft the onus for reducing resource use back to the individual. Clive Hamilton of the Australia Institute calls this the “privatisation of environmental responsibility”. This is an extension of the market-led economic view in which government's waive their responsibility for leadership to the doubtful wisdom of the world's biggest business interests, which have far more control over the market than the small percentage of householders prepared to go to the trouble of reducing their resource use.

Take the issue of plastic bags. When the Irish government imposed a levy on plastic bags their use plummeted. In Australia, plastic bags, along with cigarette butts, make up a large percentage of the rubbish littering our streets, blowing in the wind, hanging off trees and blocking up waterways. Yet none of our governments is yet prepared to go the tiny step of adding a charge to encourage more shoppers to take their own bags. Hamilton points out that it is no coincidence that the “Say NO to plastic bags campaign” is funded by Coles Myer, Franklins, IGA and Woolworths.

I want to acknowledge that the reductions called for in our motion would have been just a start to the changes in urban and building design which will be necessary for us to guarantee that we pass to our children a life at least comparable to ours. If adopted, our changes would need to be followed by similar regulations for commercial developments, by significant investment in public transport and by requirements to government departments to set indicators for progress to sustainability that they would report on in their annual reports. A program for retrofitting public buildings would be needed, with

timelines and targets. In 2003 the conservation council suggested that \$33 million was needed to do some basic retrofitting of existing public housing for basic energy and water efficiency measures. I note the government made a start in the 2004 budget by allocating \$3 million to \$4 million.

We have to act as though we really care about our environment and our society and not be prepared to leave the clean-up to our children and theirs. We might find that future generations will see this period of their history as a different kind of dark ages to the ones that we learned about. Many commentators—most recently Jared Diamond—have said that the turnaround must begin in this generation, while we are the politicians in the ACT Assembly, or no turnaround seems likely. The point that Hamilton makes strongly, and which the Greens strongly endorse, is that we will never achieve sustainability by any definition if we continue to rely upon consumer decision making—the mantra of “choice”—to do it.

This morning I referred to my recent washing machine purchasing experience. My 30-year-old-plus machine, which had been grinding noisily for the last two years, finally lay down and died. If I were poor, I would have had to have purchased a machine that fitted my meagre budget, despite my concerns about water and energy efficiency. The point is that, if we are serious about sustainability, there should only be choices between very efficient and very, very efficient appliances. There should also be support for disadvantaged people to be able to buy such appliances, perhaps through the provision of no interest or low interest loans.

We have the technologies and the knowledge to produce energy and water efficient appliances across the range and we must ensure that manufacturers produce them—not guzzlers. We cannot expect manufacturers to do this by themselves. They need governments to set targets, incentives and regulations for their manufacture. Since we do not produce very many appliances in the ACT, regulation for mandatory levels might need to be targeted at retailers. In any case, while I do not know the answers yet, we can look to other more progressive municipalities for initiatives to serve our needs.

At the broader level we need mandatory regulations to ensure that future buildings are energy and water efficient because individual householders do not have the power to do it. They still have to persuade many builders and plumbers to move away from familiar materials and methods. This may lead to higher prices as the necessary technologies are brought into Canberra in very small, expensive quantities because our market is too small.

Home owners have to grapple with urban infrastructure—roads, water supply pipes, drains and power lines—that was set down with anything but water efficiency and solar amenity in mind. Instead of being “cutting edge”, Canberra now lags behind its neighbours—Queanbeyan, Yass and Cooma—where owners, builders and developers are required by government regulation to work together to find reductions in energy and water use. If—and hopefully when—the ACT joins New South Wales in this project, we will have a larger market for technologies and services, making them cheaper to transport. If we decide to tackle unemployment at the same time, our governments might assist innovative businesses to begin the manufacture of them ourselves. We certainly have a few builders, a few engineers and many businesses, with sustainability as their focus, who would welcome a friendlier environment which only government can foster.

I am very hopeful that the government's proposed sustainability legislation will provide an ongoing framework that will ensure our government departments do become sustainable in their operations. After reading a number of annual reports from government agencies, I am aware of a lack of indicators by which they can report upon their progress towards sustainability both within their own operations and in performing their responsibilities towards the larger community. Even Actew, whose operations clearly have large environmental and social ramifications, is not required to report on its performance in those areas. Many agencies in the 2003-2004 annual reports omit even to report on their actions and initiatives to support ecologically sustainable development, although this is a requirement in the 2004 annual report directions. At the risk of sounding picky, today I observed that several papers in this Assembly, including one concerning a sustainable transport plan, use far more paper than required. The sustainable transport plan was produced in very large font on paper printed on one side only. So, with that in mind, we can begin our work for sustainability in this place.

A supplementary paper, which accompanied last year's budget papers, entitled "Framework for future budget presentation" asks some of the relevant questions and begins the discussion. I believe that only Kerrie Tucker provided any response to this paper. I will work with and on the government to ensure that its legislation and reporting requirements assist in our move towards meaningful sustainability.

In this matter of public importance speech, I have raised matters that the ALP government with its majority might like to ponder as it plans for the next four years. It can go down in history as the government which repositions our city as a leader in design and strategies for a sustainable future or it can render the term meaningless by divorcing it from meaningful action. Personally, I think that the journey towards sustainability could be an exciting one and one in which we can bring the community along.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.44): I am pleased to be speaking in the matter of public importance today. I note Dr Foskey's point that the Stanhope government can go down in history as the government that truly led the city towards a more sustainable future. I think we have, but you will not hear the Greens acknowledge that because that is not in their political interests.

Today's matter of public importance is remarkably similar to a motion that Dr Foskey brought before the Assembly for debate in February this year. In that motion, Dr Foskey called upon the Assembly to recognise the need for mandatory sustainability targets in the building, design and construction industry in the ACT and to commit to the implementation of a user-friendly planning tool, such as the BASIX tool from New South Wales, that includes water and greenhouse gas emission targets.

As no doubt all members are aware, a comprehensive debate ensued on the appropriateness of introducing mandatory targets in the ACT. During that debate, the government reaffirmed its commitment to the implementation of a user-friendly planning tool that will assist not only the government but also individuals in the assessment of the sustainability of all new residential dwellings. In fact, the government first indicated to the Greens its intention to examine very closely the applicability of BASIX as a tool in the ACT. I am delighted that Dr Foskey is following on our lead.

As no doubt all members are aware, the government's commitment to delivering a sustainable city is clearly demonstrated by the increased staffing and research capacity that has been assigned to the Office of Sustainability. This includes the home energy and water audit programs and solar hot-water rebate programs. In the bigger picture, as I have just outlined in my ministerial statement, the implementation of the sustainable transport plan, is a clear demonstration of the commitment to a sustainable city—not just the plan itself but the implementation of that plan. Hard dollars are being put in to improve the sustainability of our transport systems. When you consider that energy use in motor vehicles is second only to energy use in dwellings as the key contributor to greenhouse gas emissions in Canberra, it is clear that the government is putting its money where its mouth is. Further, there is a continued balance that has been achieved between land for biodiversity conservation and housing development. During its first term the government has added over 1,460 hectares to reserves to protect biological diversity in Canberra—the highest amount of land set aside for nature conservation in the history of self-government.

The spatial plan itself identifies the need for more compact urban form for our city to reduce urban sprawl and the impact of the metropolitan area on our immediate region. The ACT, above all other jurisdictions, can also contribute to sustainable urban design through the leasehold system. This system allows the government to control the rate of release of land, integrate new estates and coordinate where new and emerging estates can be developed, thus assisting the development of a sustainable urban form.

The introduction of mandatory sustainability targets or benchmarks for urban development is a complex matter. Many of the factors that impact on the sustainability of the urban environment cannot be fixed simply by introducing targets and benchmarks. Indeed, many sustainable factors relate solely to an individual's behaviour and preferences. The government cannot outlaw airconditioners and private vehicles simply because opening windows or catching buses is more sustainable. We can, however, encourage people through education and financial incentives to move towards sustainable choices, along with regulating to make those standards the norm.

Improving the sustainability of the urban environment needs a comprehensive and multifaceted approach. The government, through its rebate schemes on water tanks and solar hot-water systems, is adopting one of many approaches. Improving access to information and education for the community is another means to assist in achieving sustainability. One example of this is access to information on how to improve the water efficiency of gardens by utilising the most efficient method of watering, mulch and native plant species, thus reducing water consumption.

National standards and codes are another means of enhancing sustainability and improving environmental performance. The Building Code of Australia—the BCA—for example, contains standards relating to energy efficiency. The government has always been quick to adopt national standards. In 2006 the BCA will raise the current standard for energy efficiency from four stars to five stars for residential dwellings and the ACT, consistent with our election commitment, plans to introduce its requirements at that time.

The Building Code Board is also focusing on developing construction standards for improved environmental performance in the areas of energy and water efficiency, use of

materials and internal air quality. Again, as soon as these standards are included in the BCA, the ACT will adopt them. The government is also committed to adopting the green star energy-rating scheme for commercial buildings, and this is something that we will also be moving forward with. The government needs to carefully consider the financial and social impacts of adopting standards that depart from a national framework, and this is something that we will continue to undertake. Obviously in an urban environment there are things that fall outside the scope of the building code. New South Wales has identified many of these things and incorporated them into the BASIX system.

As indicated during the debate on Dr Foskey's motion on 16 February this year, the ACT Planning and Land Authority, I as the Minister for Planning, and the Planning and Land Council are all closely examining BASIX, along with a range of other tools, to enhance the environmental performance of the building environment. The tools are many and varied and often have been built for different purposes and they are not necessarily compatible. Some, though, like BASIX, include mandatory targets but provide a range of options through which projects and individuals can achieve those targets—so it is the outcomes that are mandatory, not necessarily the way you achieve them. The adoption of a tool such as BASIX is something the government has under close consideration. Whatever tool is adopted—whether it is BASIX or something else—will need to be applied in a way that does not compromise the building code or complicate the planning system. I am sure that this is something we can achieve. It will also need to produce clear sustainability dividends in a manner that is cost effective to the community, to industry and to government. This is particularly important in the context of housing affordability. The best systems for achieving sustainability in the urban environment will include options and elements of choice. Benchmarks will also have their place, and this will be dealt with by the government in the context of our broader reform of the planning system.

I mentioned before housing affordability. This is important in the context of social justice and the ability of all people to participate as citizens in our community. To illustrate a point, the targets in BASIX, for example, have added an additional \$8,000 to \$9,000 to the cost of the average dwelling. This is a significant up-front cost that can be recouped over following years through combined water and energy savings. The government does not necessarily shy away from increased up-front costs if there are significant savings for the individual householder, the community and our environment down the track, but we believe it must be acknowledged upfront as an issue and addressed appropriately.

Other issues that need to be examined in detail are whether we need to make these targets or benchmarks compulsory. Industry will tell us that they are already including measures to enhance the sustainability of the built environment on a voluntary basis. The increasing adoption of voluntary green star assessments in commercial buildings is evidence of this. In my view, however, the building industry is a very conservative industry and needs a mixture of incentive and mandatory requirements to see the outcomes we need put into effect.

As I have already indicated, the ACT Planning and Land Authority are undertaking these investigations and will be making recommendations to the government shortly, in particular around the adoption of a scheme such as BASIX. Whether these recommendations include the need to introduce mandatory targets or benchmarks is

something which the government will be closely considering. The territory plan, in its principles, has a strong focus on sustainability in the urban environment. Sustainable development is the number one goal of the plan. Other goals include an efficient, healthy and liveable city, economic vitality and community wellbeing, and environmental and high-quality design—in other words, a triple bottom line approach.

As Dr Foskey rightly points out, the challenge is to convert words into action—and that, again, is something the government is focusing extremely strongly on. As I have outlined in my ministerial statement on transport reform and in the range of measures we are adopting through planning system reform, the government has this clearly on its agenda. The Canberra spatial plan has a strong emphasis on enhancing the sustainability of urban development and introduces strategic policies for water, biodiversity conservation, urban form and employment location, transport and service delivery. We will continue to monitor our achievements against the spatial plan. The spatial plan itself has benchmarks to measure whether or not we are meeting our goals in relation to these outcomes.

This is an issue that the government considers to be a significant one for our community. We do need new measures to improve the sustainability of our urban dwellings. We do need to have measures that see less energy and water use, increased solar efficiency and comfort and increased water efficiency. Importantly, we also need a quality of development that creates liveable and attractive spaces for people. The government is committed to these goals. The assessment of tools such as BASIX is a major task for the planning authority at the moment. I am confident that, in the coming months, members will see the delivery of many of these things that Dr Foskey outlines in her matter of public importance today.

**MR SESELJA** (Molonglo) (4.56): I would like to address one of the points that Dr Foskey made about slugging retailers. I would be pretty concerned if the plan were to say that Harvey Norman could not sell certain types of fridges or appliances and had to reduce 25 or 30 per cent of their stock. I am sure the end result would be that a lot of retailers would set up in Queanbeyan and that there would be none in Canberra. I would certainly be concerned with a plan like that. I think it would be a bit misguided. Mr Corbell noted that the additional \$8,000 to \$9,000 in costs to the average dwelling is significant for first home buyers. I agree with that, but I note that Mr Corbell recently stated that \$5,000 in costs for bushfire protection standards for first home buyers is not significant, so I guess the line must be somewhere between \$5,000 and \$8,000.

More generally, I am not sure why we are discussing this matter again today. As Mr Corbell pointed out, we have on the record for the last sitting period Dr Foskey's statements on the sustainability of the New South Wales BASIX system. She sought implementation of mandatory targets with short timeframes and with a big stick approach, once again, being used.

The Liberals highlighted a number of measures before the last election for the sustainability of both commercial and residential buildings: solar hot-water, energy efficiency and other measures that would result in industry and consumers receiving delivery of better environmental outcomes in building construction. I also draw Dr Foskey's attention to examples of quality buildings and construction in Canberra that are leading the way in energy efficiency, green star ratings and high-quality buildings that tenants are keen to take up.

I drew the attention of members in this place to a building site I had inspected on Allara Street, which will be the new home of the federal Department of Industry, Tourism and Resources. It is one of the buildings in Canberra that will lead the way in environmentally sustainable and high-quality design. A number of allowances have been made—from grey water provisions to waterless urinals and other measures—that will put this building at the forefront of the market.

Dr Foskey drew our attention to the building at Brindabella Business Park. She said that, if we took on these mandatory targets, we would be providing the kinds of buildings that businesses will be demanding five years from now. She fails to mention that the decision taken by the builders of Brindabella Business Park to meet the green star targets and to be a leading light in sustainability and design was taken voluntarily. Nobody made them do it—nobody forced them—and no mandatory targets were necessary. Similarly with the DITR building, it is an example of industry leading the way and saying, “We will incorporate these features. We will introduce these measures—not because we have to, but because they are ratings which will make our buildings more attractive to tenants and which will ensure that potential tenants will come to our buildings.” I also note the work that the HIA has done with Greensmart, a voluntary scheme that assists home owners constructing private dwellings to incorporate practical environmental measures in a cost-effective manner and recognises affordability.

In the last debate on this subject, Mr Hargreaves highlighted the fact that we should also be careful to ensure that we do not pre-empt the new features that will be part of the Building Code of Australia, an intergovernmental agreement that will create standards similar to that of the green star initiatives. It is not often that I find myself agreeing with Mr Hargreaves and I cannot imagine how long it will be before I have to agree with him again, but on this point he has some merit.

I will not stand in this place and wave the big stick at industry in the ACT, as Dr Foskey would have us do. I will not dictate to them in unreasonable ways that lead to bad outcomes for the community. There are a number of measures, achievements and programs that industry are voluntarily implementing now that are being well received by builders, building owners and ACT residents who are constructing new homes. These measures are to be commended. I still cannot see an overwhelming case for the importance of mandatory targets.

I just wanted to briefly say a few words on housing affordability, which goes to the heart of this issue. I agree with much of what Mr Corbell had to say on the issue. It is crucially important that we do not go around implementing all sorts of mandatory targets or mandatory measures that lead to home owners, especially first home buyers, being slugged with significant additional costs. While I am in this place I will continue to fight for first home buyers. As Mr Corbell pointed out, home ownership is a crucial indicator of the relative wealth of people in our society. We in the Liberal Party certainly stand for as many people as possible having access to home ownership. The effects of red tape imposed on industry are always passed on to home buyers which leads, in turn, to many people being unable to afford to buy their first home.

This government’s record on land release, even with the establishment of the LDA, has been a little too slow and has led to higher land prices than should have been the case.

This has hurt first home buyers as well. Mr Corbell certainly made some good points on housing affordability. He said that we should be very careful before adopting mandatory benchmarks. He has a slightly different view on how to do things.

In Mr Corbell's grand plan there would be no need to regulate because, let us face it, the LDA would be doing everything—the LDA would be building all the buildings in Canberra in the end game and then there would be no need to regulate, would there? The LDA would be doing the business for you; Mr Corbell would just be directing. Of course, we would not agree with that either. We have some fundamental disagreements with both Dr Foskey's position and with some of the direction the government is taking. I certainly have particular concerns about what that is doing for housing affordability in this place.

**MR GENTLEMAN** (Brindabella) (5.02): On 16 February the Assembly agreed that the government would report back to the Assembly on an annual basis on the progress made in implementing its sustainability strategies. This government recognises that, in order to achieve real sustainability outcomes, people must be encouraged to change and be made aware of the concrete steps that they as individuals can take to assist in achieving sustainability.

It is government's role to help to facilitate this employment. Thus, the Stanhope Labor government has developed a range of incentives which increase housing and transport choices in accessible urban locations and which provide access to information about goods and services which support sustainable living decisions. This is more effective than the mandatory big stick approach.

The sustainable transport plan, for example, contains a series of goals to reduce the costs of transport, including greenhouse gases, noise, air pollution and other negative environmental effects of transport. These goals include shifting the balance of travel from private vehicles towards walking, cycling and public transport; supporting a more sustainable urban structure and form which will increase accessibility, facilitate an improved quality of life and respond more effectively to environmental factors; and changing community attitudes and behaviours to support sustainable transport throughout the city.

All of these measures contribute in a very real way to benchmarks for sustainable development. The think water, act water strategy includes a series of targets to ensure that the ACT has an adequate, secure water supply into the future. In the think water, act water strategy the government has set water targets of a reduction in per capita consumption of mains water by 12 per cent by 2013 and 25 per cent by 2023, through water efficiency measures, sustainable water recycling, the use of stormwater and rainwater, and increasing the use of reclaimed water from five per cent to 20 per cent by 2013.

A range of measures will be used to achieve these targets, such as providing a rebate on AAA showerheads; subsidising household water tune-ups; subsidising household garden tune-ups; subsidising the provision and fitting of AAA 6/3 dual-flush toilets in place of single-flush toilets; providing a rainwater tank rebate scheme; information and awareness programs that provide advice to householders, businesses and the government sector; supporting a national scheme for compulsory water efficiency labelling of appliances;

and a range of regulations to support more efficient use of water in the home, office and garden.

Again, all of these contribute to benchmarking sustainable urban development. You will note from the comprehensive list that regulating or mandating things is only one measure, and there is definitely more carrot than stick involved. Behaviour changes are fundamental to achieving the targets, and the government will assist with achieving these behavioural changes by providing incentives and education. The government also has targets related to greenhouse gas emissions and a strong commitment to enhancing the energy efficiency of our buildings.

The government's recent election platform included commitments that will require all new single residential dwellings to achieve a level of energy rating consistent with the standards being developed for the Building Code of Australia and a minimum standard for water efficiency and introduce an energy efficiency rating methodology equivalent to the green star rating currently being prepared by the Australian Building Codes Board, for introduction into the Building Code of Australia for all new commercial and multistorey residential buildings.

The Stanhope Labor government is leading the country in terms of its commitment to sustainability, as our election commitments and the programs we have put in place clearly demonstrate. For instance, subject to consultations with the community and sustainability experts, the government will establish a sustainability act that will assist government agencies to incorporate sustainability into their decisions and actions. This legislation will help to improve agency decisions that influence the development of Canberra, the way buildings are designed and materials that are used, the way government procures its goods and services and the use of energy and water in the ACT, and it will help to improve the way our decisions affect the community.

We have already begun changing the way government does its business. I would like to remind the Assembly that the government has committed \$150,000 in this year's budget for energy audits of government buildings to be carried out to help agencies identify how to use energy more efficiently. Only recently we approved a circular for use by government agencies on environmentally sustainable procurement. In its own major infrastructure projects, the government will meet the principles of sustainability. The new ACT prison will provide a concrete example of how these principles can be incorporated in the design and operation of major government buildings.

We will spend \$4 million to upgrade public housing stock and \$5 million in schools to make them more energy efficient. We will spend \$1.2 million over the next four years on helping ACT residents to improve energy efficiency in the home. This funding will contribute to reducing greenhouse impacts of energy use in the ACT. The government is committed to sustainability and strongly recognises the importance of sustainable urban development. If we are to reduce further targets or mandate targets or benchmarks for certain sectors of the community or economy, we will do so only after considering the social, economic and environmental impact of these measures.

**MR DEPUTY SPEAKER:** Order! The discussion is concluded.

## **Justice and Community Safety Legislation Amendment Bill 2005**

### **Detail stage**

Proposed new clauses 6A and 6B.

Debate resumed.

**DR FOSKEY** (Molonglo) (5.09): I seek leave to withdraw amendments Nos 1 and 2 circulated in my name on the white paper.

Leave granted.

**DR FOSKEY**: I seek leave to move together amendments Nos 1 and 2 circulated in my name on the green paper.

Leave granted.

**DR FOSKEY**: I move amendments Nos 1 and 2 [*see schedule 3 at page 928*].

The amendments seek to insert new clauses 6A and 6B. I thank the Assembly for adjourning the debate earlier in order for us to do some more work. It was a good reminder to me and my staff that, even if it seems certain that the government is not going to support us, we still need to do the work as if it will. I have had the amendments redrafted in a way which I believe adds to their clarity. They are marked "Revised" and were circulated on the green paper. These comments address that revision.

It is now clearer that the commissioner's discretion revolves around public interest, and the seriousness of the crime and the time that has elapsed since conviction are the limiting factors. The seriousness of the crime is now determined by the maximum, rather than the actual, penalty. I would like to add that we are aware that the Real Estate Institute of the ACT needed more time to consider this amendment, although individual agents contacted by my office recognised the benefits of the amendment, especially for people applying to register as salespersons rather than perhaps as principal agents.

I would also like to clear up a couple of misconceptions about these amendments and their context. Firstly, they apply to all agents because this inflexible barrier to registration or licensing is specific to these professions. It is nothing much to do with the spent convictions regime; it is to do with controls over entering the profession.

It is interesting to look at the Legal Practitioners Act, which gives the law society the discretion to refuse a practising certificate for a number of reasons, including where the applicant has been sentenced to a term of imprisonment. In that way it differs from our amendment. There is, however, no requirement for the law society to refuse the application. Indeed, lawyers can have a history of doing almost anything but, if they are honest about it and their approach is accepted, nonetheless be accepted to practise as a solicitor or at the bar.

The other issue raised was one of practising agents or salespersons losing their licence or registration and then getting it reissued under this amendment. One could further amend

this amendment to specifically rule out an agent from being considered under this discretion, but the issue of public interest that the commissioner needs to consider would, I am sure, rule out that use of the provision in any event. Furthermore, I argue that this debate would make it clear that the intention of the discretion is to support people entering the profession. Again, I have to admit that it seems clear that the government will not support these amendments; nonetheless, I thank the Assembly for the consideration.

**MR STEFANIAK** (Ginninderra) (5.14): I thank Dr Foskey for an amendment that I think is far better than what there was originally. The adjournment enabled us to at least—and I understand the government has to do so—speak to Mr Ken Roberts of the real estate institute. It is because of that that, at this stage, we have a problem with some of this proposal, although I have great sympathy for what Dr Foskey is doing. I will come back to that in a minute.

I asked Mr Roberts a series of questions and, in the brief chance I had to talk to him, he indicated that he and the real estate institute were quite happy with the act at present; that a lot of work had gone into it; that it had only recently been revamped and that the institute did not want to see any change at this point in time. In relation to this matter, he also stressed to me that the institute wanted to ensure that the industry was as squeaky clean as you could get it. The question of honesty was a very significant factor because of agents going into people's homes and having possession of keys. Those are very valid points.

I also asked him whether anyone amongst the real estate fraternity had contacted the institute and asked for some changes, and he said no. The opposition is very mindful of that. With legislation, I think it is important or preferable, if possible, that the body which looks after agents, in this instance, is supportive of the change—or at least is saying, “We do not really think it is necessary, but we do not mind.”

That being the case, I would be very happy to support this amendment today but, because the real estate institute did not want to see a change and Mr Roberts was quite specific on that, that certainly does cause us a problem. I would imagine that Dr Foskey might well be able to bring this proposal back at some later stage. Certainly, if there are real estate firms and agents out there who want to see some change along the lines of what she is suggesting, she could well and truly bring forward a private member's bill.

I, for one, would be very happy to recommend to my party that that be supported because I can see some benefit in what she is trying to do. She is trying to do two things, not just one. But at this stage, because of the lack of support from the institute, it would be difficult for us to pass it today. I think all the points in this debate have been well made to date by all speakers.

Getting to the specifics of what she has put forward, I indicated that I had considerable sympathy for it, and I still do. I think this version is better than the one we saw this morning. This version includes the definition of an offence, to take out of the equation those offences which involve fraud, which I think carry seven or 10 years, larceny and, I hope, armed robbery. Robbery is a crime of dishonesty as well as violence, but is the more serious, in terms of penalties, of the dishonesty offences. It allows for crimes under

the Social Security Act—I think it used to be section 175 or 138—and I think some of the more minor offences, such as shoplifting.

I think there is strength in what she is trying to do. From my days as a prosecutor and perhaps on the other side, too, I am well aware of a number of people with no prior convictions having been convicted just once for a crime of dishonesty. There is often some reason why they committed the offence. That would indicate to me that those people are probably far more deserving of a chance than people who commit violent crimes which are not covered by this particular act and section but which would preclude a person from getting a job.

I point out that for more minor crimes, such as shoplifting and crimes under the Social Security Act, the courts in the ACT always take into account the circumstances of the offence and the defendant. A person may be a cleanskin and there may be reasons that would justify the court taking a lenient approach that would result in no conviction being recorded—for example, a section 402, which was the old section 556A, whereby an offence is proven but no conviction is recorded. Indeed, they could get a bond under that section which would require them to be of good behaviour for a period. That does not count as a conviction. So there would be instances where people would not get convictions for crimes of dishonesty and would still be okay under the current legislation. I think it is proper to make that point.

There is also a possible distinction to be drawn between proposed new clause 6A and proposed new clause 7A. Clause 6A is in relation to, I believe, the principal, the real estate agent—the one who runs the business. I have heard anecdotally today that there may well be some agents who feel that, if it is just in respect of an agency that employs a person as a worker to sell real estate, that might be a different sort of situation. That is in Dr Foskey's proposed new section 51 (1A). There may be some scope in relation to differentiation there as well.

I have considerable sympathy for what Dr Foskey is trying to do, but I think it is important that the people involved in the industry, especially those involved in the peak body, get another opinion on it, at the very least, and preferably support it—or, indeed, that a number of agents come forward and support it. If that is the case, as I have indicated, I am more than happy to suggest to my people that we support something in the future. The information I have received today from the real estate institute is basically that they do not want to see any change. Accordingly, we will not be able to support the amendments today.

It is my experience that the real estate institute and real estate agents are not backward in coming forward and, if agents have a problem, they will go to their institute and also to members. I certainly have had representations from agents in the past. Sometimes they want to push the envelope more than the parent body, which might not want to do so, but if they see that there is a problem they will tell you. More often than not, the institute will go in to bat for them and we will hear from both the institute and individual agents. There has been deathly silence in relation to this particular issue. Certainly no-one has complained to me about it. Nor, as the institute tells me, have they had complaints from their agents. But I think it is an important issue and something that could well be revisited at another time.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.22): As members know, the debate on this matter was adjourned this morning to allow each of us to reflect further on the amendments proposed by Dr Foskey. It was evident, as Dr Foskey indicated this morning, that there was quite a useful debate but, nevertheless, between each of us there was some level of misunderstanding—or there was not a clear understanding of exactly what was sought to be achieved by Dr Foskey’s amendments.

I appreciate the time we have had during the day to reflect on the proposal, take some further advice and, as Mr Stefaniak has done, consult more closely with, in our case, the real estate industry. We received the same advice and, to some extent, the comments I will now make mirror those made by Mr Stefaniak.

I found myself feeling some sympathy for the argument Dr Foskey was advancing this morning. My response this evening, having further considered it, taken further advice and received advice from the department of justice on the relationship between the proposed amendment and the Spent Convictions Act, is that the government’s position has not changed and we will continue to oppose the amendments. I say that with the same caveat that Mr Stefaniak has put on the opposition’s resistance to the amendments—that I believe there are some issues around the operation of the Spent Convictions Act that we might usefully give further consideration to.

I am not committing to an acceptance that the spent convictions legislation should be amended, but I think we can put issues around the particular circumstances that Dr Foskey raised of a young person making a mistake, essentially, rather than being in the grip of a criminal sort of culture or mindset, working assiduously to correct the mistake and then being unable to pursue a career in an area of their choosing as a result of what we might regard as simply an aberration, a genuine mistake. I note that, to that extent, Dr Foskey has made some adjustments which I think attempt to make more firm the position—that we are talking here about minor offences.

Dr Foskey has indicated that she is talking about the circumstance of persons who acknowledges that they made a mistake, that it was an aberration, that they have worked assiduously to repay their debt to society and wish to continue to do that by becoming a fully productive member of the community by pursuing gainful employment in a field that appeals to or attracts them.

I have some sympathy for that, but I also support the need for a very strong message to be sent. I believe that it is important that there be a level of trust and credibility attaching to the activities or conduct of certain callings or professions. I think that is fundamentally important in relation to agents, particularly real estate agents, who, I understand, in the annual survey of community trust in different professions, traditionally battle with politicians for the last spot on the list.

The real estate institute is very aware of that. The real estate institute is very conscious that real estate agents, used car salesmen and politicians are regarded as the least trustworthy people in society. It is vitally important that real estate agents be above that sort of suspicion, that there be genuine trust in real estate agents, as there should be

genuine trust in all professionals. It is a professional calling that has suffered for many years—decades even—in terms of the respect or the light in which it is held.

We were advised today, in the same terms that Mr Stefaniak obviously has been advised, by the real estate institute that they believe they are making significant inroads at the moment on building credibility and trust. They are very concerned that an amendment such as this one at this time would potentially have a negative or deleterious effect on the work they have done as a profession, or as an organisation, to improve their standing within the community.

I have the same response as the one Mr Stefaniak has given to the circumstance in which the industry itself has said, “We are not calling for this amendment at this stage; we do not necessarily support it; we do not wish it to pass.” I think the Assembly really needs to take that view into account, particularly in light of the amount of time we have had to consider the amendment and the lack of consultation on it, when the most specific of the representing organisations that would be potentially affected by the amendment is saying to both the government and the opposition, “Our representation to you is that we do not support the passage of this amendment today.”

I think there are other issues in relation to that. As I said this morning, it is a position not supported by Dr Foskey. Mr Stefaniak accepted some of the argument, but said that there were aspects of the relationship between this amendment and its impact on the Spent Convictions Act—of which perhaps he did not agree with my interpretation—but, once again, we have not really thrashed it out.

I stand by the position I put this morning that the amendment would essentially allow the Commissioner for Fair Trading to be the decision maker, on the strength of a very broad discretion, as to whether a person should be disqualified from holding a real estate agent’s licence after five years, when the spent convictions legislation in relation to a conviction for dishonesty prescribes an essential 10-year ban from again participating in that particular industry. I think there is a direct conflict between Dr Foskey’s amendment and the spent convictions legislation. It effectively allows the Commissioner for Fair Trading to decide whether the spent convictions legislation, as it applies to dishonesty, as it applies to agents would apply in the future.

Dr Foskey, in her proposed new section 6A (1A), provides that a person is not disqualified from being licensed only because subsection 1A applies to the person in relation to an offence if the offence is not punishable by imprisonment or punishable by imprisonment of not longer than two years. Of course, that would catch a range of stealing offences, which really go to dishonesty. To that extent, I do not think it overcomes the concern I have that, if we are going to toy with the operation of the spent convictions legislation, we really should do it with our eyes open, we should do it in a broad and general context, and we should do it through amendments to the spent convictions legislation.

I am not endorsing that, supporting it or suggesting we should do that. I do not disagree with the position put by Mr Stefaniak that the government would be happy to consider proposals along these lines in the context of amendments to the Spent Convictions Act. I am not saying we would support it, but that is the forum in which I believe that this amendment should be considered. If this debate were being held in the context of the

Spent Convictions Act, I would probably feel more comfortable about it. But, in the context of what I regard as a one-off exception—the granting of broad discretion to the Commissioner for Fair Trading in relation to agents—the government will not support these amendments.

Proposed new clauses 6A and 6B negatived.

Clause 7 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

## **Adjournment Canberra Hospital**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (5.34):  
Mr Speaker, I move:

That the Assembly do now adjourn.

I would like to continue with highlighting some successful instances that people have written to me about in relation to their care at the Canberra Hospital and the ACT's other public health facilities. I would like to refer members, and indeed read into *Hansard*, to a letter I received on 1 February this year from a gentleman who had an experience with the Canberra Hospital. Again, I will take the approach of not wanting to identify these people, but simply of relaying to members their experiences. The letter reads:

Dear Mr Corbell,

I suffer from type 2 diabetes. Two weeks ago, a blister under the ball of my right foot burst. Like all veteran footballers, I made a mental note of what a nuisance it was, sprinkled the wound with baby powder and forgot about it. Forgot about it, that is, until about four days later, when I was scarcely able to walk.

I took it to my GP, who took one look and told me that I had a ruptured abscess, not a burst boil. For a diabetic like me, this was the first of not very many steps on a steep downhill path. At the end of the path it would be necessary to amputate my foot or ankle or both. He made an urgent appointment for me to visit the Canberra Hospital Podiatry Unit 24th January.

There, Melissa took me under her wing, cleaned and sterilised the affected areas and arranged for Drs Harry and Ken to inspect it and decide on the cure to be sought. This was done speedily and I was first enrolled onto the list of hospital patients, then transferred to the "Hospital in the Home program".

I had not previously heard of this, but was much impressed to meet the enthusiastic team who called on me morning and evening for the rest of the week to administer injections and change dressings. Friday 28th it was decided (by Melissa and Doctors Harry and Ken) that the hospital's attentions had proved so successful that I could be discharged from the hospital. The injections were to be discontinued and my foot would henceforth be dressed with sterile dressings only.

I was handed over to the District Nursing Program. I will be seeing members of that program three times a week only—in effect: my treatment is virtually at an end.

You will be aware how excellent are the staff I am talking to you about. You will no doubt be pleased to hear from a member of the public who has the same view. Insofar as a big thank you to you is a big thank you to all of them, please accept this letter as an acknowledgment of the skill, care, consideration and kindness I received from all the members of the Canberra Hospital.

Mr Speaker, I think that that is a very strong endorsement. Another that I would like to bring to members' attention, one that particularly touched me, reads:

Dear Sir,

I wish to bring to your personal attention my experience during an enforced stay at Canberra Hospital.

On a visit to Homeworld shopping centre at Tuggeranong on 7 January I had the misfortune to suffer a serious fall, a serious matter, given my age—90. I was taken to the emergency department at Canberra Hospital by ambulance where an X-ray showed that I had suffered a broken hip. I was admitted as a public patient and a half hip replacement was performed on 8 January.

It is worth noting, Mr Speaker, that that was one day after the accident. The letter continues:

I remained in hospital until 21 January. Now I have returned to my home, where I live alone.

My purpose in writing to you is to express my grateful thanks to the hospital staff. During my stay in hospital (Ward 9A) I spent time in three different rooms, served by different staff. In all cases I found them to be most attentive and efficient even though the patients in their care had differing ailments. I am sure their kindness and pleasant manner and obvious nursing skills all played a great part in my progress towards recovery.

I left hospital with the feeling that we are indeed fortunate in having a community facility where staff's attention and kindness played a significant part in alleviating my distress.

I also compliment the hospital authorities on the modern equipment available to help patients.

Sincerely,

Mr Speaker, I am going to continue during the adjournment debate to outline to members the many positive letters that I receive from individuals in the Canberra community who are pleased with the level of service at our public hospitals. There is no doubt that our public hospitals face many challenges. Yes, they have their problems, but at the same time they provide sterling service to our community day in, day out, at any time of the year. As I know Mr Smyth would not be interested in highlighting them, I will have great pleasure as health minister in doing so.

## **World's Greatest Shave 2005**

**MR MULCAHY** (Molonglo) (5.39): Mr Speaker, today I participated in an event known as the World's Greatest Shave 2005 at King O'Malley's hotel in Canberra and had my hair coloured in the symbolic colour of green as part of the events leading up to St Patrick's Day; but, in fact, this event was all about supporting the Leukaemia Foundation, a very worthy cause.

Among the people present today was Sarah Ryan, who had the task of colouring my hair for me, and a number of Raiders players, including Jason Croker, who had a full head shave. The World's Greatest Shave 2005 is a successful fundraising event as well as an excellent way of generating public awareness of this debilitating and often fatal disease. It is conducted in a light-hearted fashion. There was a wonderful level of support from different members of the community and the media. The event allows people to address this very serious health issue in our community but also participate and lend a bit of levity to an otherwise fairly bleak topic.

I have known several people who have been affected by leukaemia. All of those I have known survived the illness and were lucky enough to have seen the benefits of treatment and cure. The World's Greatest Shave public event is being held at King O'Malley's tomorrow between 4.00 and 6.00 pm. That hotel is a proud supporter of this fundraising endeavour and has had great fun in taking part in the fundraiser over the last four years. It deserves commendation for that.

The patrons and staff of King O'Malley's will be shaving and colouring their hair to raise funds in an attempt to keep the world record for the most heads shaved in a 24-hour period firmly in Australia. I appeal to all members of the public to get behind this worthy cause. It is a cause relevant for Australians. Indeed, I am advised that between 40,000 and 50,000 Australians live with blood and bone marrow cancers, including leukaemias, lymphomas and myeloma. The Leukaemia Foundation also provides support and care for approximately 50 per cent of these patients and their families.

Mr Speaker, I know that there are many appeals here for funds—I am sensitive to that—but I have sent a note to members and staff with details of this appeal and have provided information as to where people can send a contribution if they are so moved. The Leukaemia Foundation is the only Australian not-for-profit organisation dedicated to the care and cure of patients and families living with blood and bone marrow cancers. The funds raised will ensure that the foundation can improve the quality of life of patients and families through personalised and practical care, which includes a home away from home in the foundation's 16 accommodation centres, support services, counselling, educational programs, transportation to and from hospitals, and practical assistance free of charge. Indeed, I know that it has one of these homes in Garran, close to Canberra Hospital.

The money raised will also fund cutting-edge research into treatments and cures, which is particularly important. My personal involvement has been spurred on this week by the fact that a close friend who is only in his 40s has been diagnosed with a very aggressive form of leukaemia and the message is brought home to you when you become aware at first hand of cases.

The research has already made a difference in my lifetime. Leukaemia is the number one childhood cancer and 20 years ago children with acute lymphoblastic leukaemia had a 30 per cent chance of survival. I know that at school there were kids who were afflicted with this condition. Those I knew survived, but it was quite an achievement to do that. We are now seeing 80 per cent being likely to survive. When we get to 100 per cent, we will have achieved the ultimate, but we have certainly made considerable progress with young people. The results are not so encouraging for those who contract leukaemia in their adult years, but work is continuing and we hope that we will see better statistical outcomes.

I commend Peter Barclay and his staff at King O'Malley's, Jason Croker from the Canberra Raiders and the various other sports men and women who participated this morning in the launch of this event, including Karen Sorenson, the Leukaemia Foundation's support services coordinator.

Mr Speaker, I would encourage members, if they can, to accommodate this cause within their range of organisations to support and I hope that they will give special regard to making a contribution or at least encouraging those in their circle to contribute towards this foundation appeal and the events that are going to occur tomorrow afternoon in the city.

### **International Women's Day Ms Kate Leeming**

**MR GENTLEMAN** (Brindabella) (5.44): International Women's Day, celebrated on Tuesday, provides us with an excellent opportunity to consider, recognise and celebrate the achievements of women in our community and across the world. On Tuesday night, I attended the presentation by Ms MacDonald of the ACT International Women's Day awards. The awards recognise the contribution to our community of individual women and community organisations. I congratulate the recipients and nominees of the awards.

I would particularly like to congratulate Beryl Women's Refuge, which celebrated its 30th anniversary on International Women's Day and was the recipient of the IWD community award for its contribution to the Canberra community. The nominees and recipients are involved in a huge diversity of activities, organising and movements. The diversity is reflective of the enormity of the contribution of so many women working at the grassroots in our community and elsewhere.

Tonight I want to make mention of one woman who has gone to extraordinary lengths to publicise, promote and educate us about the movement for change to which she is so passionately committed. Kate Leeming, a young woman from Western Australia, recently arrived in Canberra after cycling 27,000 kilometres around Australia. She was met at Parliament House by me, the member for Fraser, Bob McMullan, and a group of enthusiastic year 3 students from Campbell primary school.

Kate rode around Australia to promote the UN Decade of Education for Sustainable Development. The decade will be launched in April in Geneva. The aim is to promote a vision of a world where everyone has the opportunity to benefit from quality education

and learn the values, behaviour and lifestyles required for a sustainable future and a positive societal transformation.

It was the qualities of sustainable education and the efforts to link communities through such education that led to the selection by UNESCO of Kate's ride as a demonstration activity for the Decade of Education for Sustainable Development. As Kate rode through the length and breadth of Australia, she brought with her a complementary education program. The program aims to encourage and facilitate the building of sustainable communities and to encourage children in the local schools that Kate visited across the country to be environmentally proactive.

Schoolchildren were able to track Kate's progress with the ride through their web site, to which she and her fellow riders regularly contributed. The sharing of Kate's experience as she rode that extraordinary distance around such a huge and diverse continent enabled the participation and involvement of schoolchildren and communities in her voyage and her cause. Her commitment to change and to working for change is outstanding and certainly deserves commendation.

In 1993, Kate organised and completed a trans-Siberian cycle expedition from St Petersburg to Vladivostok, a distance of 13,500 kilometres, to aid the children of Chernobyl. Now, in 2005, Kate has organised and ridden around Australia, including being the first woman to cycle the Canning stock route, to promote the UN Decade of Education for Sustainable Development.

On International Women's Day, we celebrate the commitment of women such as Kate to progressive change. Kate's commitment to working for change and to achieving the unimaginable is indeed worthy of congratulation and celebration. Recognising the importance of sustainable education across our communities, particularly for our young people, is essentially minimising the impact of our own footprints while building a sustainable future.

She has taught all of us something about ourselves and about our involvement and our commitment to the world around us: that if we take the time to be involved and to echo her passion it will guarantee a better place for all of us. Meeting such an amazing woman on the completion of her ride around Australia was an honour. I take this opportunity to congratulate Kate for her achievements, to celebrate her successes and to wish that all of us take something from her passionate commitment to working for change.

### **Health—breast screening**

**MR SMYTH** (Brindabella—Leader of the Opposition) (5.48): Mr Speaker, I wish to discuss my concerns, the Liberal Party's concerns and the concerns of many members of the community regarding continuing delays with breast cancer screening and the receipt of those results. I want to make it clear that the opposition is in no way blaming the hardworking staff in the breast cancer screening clinic for these delays.

We blame the government for failing to adequately resource and staff this clinic so that it can: make appointments for women to be quickly screened; screen the target number of clients budgeted for; and deliver the results of the screenings to clients in a timely fashion. I do not think it is good enough to have the minister simply throw up his hands

and say that there is an international shortage. He is the one charged with responsibility for the portfolio and making it happen. If he cannot do so, perhaps he should stand aside.

Mr Speaker, a letter to the editor on the subject was printed in the *Canberra Times* today. I would like to read the letter to the Assembly. It was printed under the title “Inexcusable delay”, and reads:

I have a friend who had a mammogram on December 15, 2004. This lady, whose family has a history of breast cancer, found out in February, nearly two months later, that she is dealing with a classified “aggressive cancer”.

Despite efforts by her GP for a quick admission, surgery for a bilateral mastectomy was not scheduled until March 7. Now the operation has been postponed until March 14. Despite a diagnosis of cancer and a treatment ranked as “imperative”, she continues to wait. If this is not a life-threatening situation, I don’t know what is.

Today in question time, my colleague Mrs Burke asked the health minister a question that stemmed from this letter. The woman who was screened did not receive her results for almost two months after that screening, despite the fact that she is dealing with what has been defined as an aggressive cancer. I find it appalling that this woman was not provided with her results much sooner, given the heightened nature of her case.

The reason I find it appalling is that when WIN news recently interviewed another Canberra woman, Jenny-Kate Harrison, about the delays she faced in getting an appointment to be screened and in receiving the results, the health minister, Simon Corbell, claimed that the results were not forthcoming because there were no irregularities and no problems; therefore, no urgency to get back to her. His exact comments exactly were:

Because the results were clear the individual concerned was not notified until after Christmas.

Mr Speaker, that is not acceptable. Ms Harrison’s mother and grandmother both died of breast cancer. Ms Harrison’s mother died within four months of being diagnosed with cancer and Ms Harrison has already had two lumps removed. It is easy to see why Ms Harrison was so upset that it took four months from her first call to gain an appointment to the time when she got her results.

Why isn’t this government aiming to get results back to clients as soon as they are available? The delays all seem to revolve around the lack of staff—from the radiologists who read the mammograms to the breast cancer nurses who are at the forefront of doing the screening, supporting clients and scheduling appointments. Put simply, this government has dropped the ball on breast cancer screening.

Mr Speaker, this government is not even providing enough resources so that the targeted number of clients that should be screened is being screened. The following figures are an indictment of this government’s ability to handle the health portfolio adequately. In 2001-02, the target for breast screening was 20,000 but only 16,675 tests were conducted. That was a great outcome in comparison with 2002-03, where the target for breast screening was 12,900, but only 11,327 tests were conducted. The situation declined further in 2003-04, where the target for breast screening was reduced to 12,000,

but only 10,487 tests were conducted. In the first half of 2004-05 only 4,761 tests had been conducted, when the pro rata rate for that period was 6,000.

The health minister said on WIN news on 28 February that the breast screening program was a preventative program. For a preventative program to work, isn't early detection the key? Why then is the minister not acting with haste to fix the problem and ensure that early detection does occur? The government's outcome for breast screening, highlighted in the annual reports and budget papers, simply shows that it is failing the women of Canberra when it comes to breast cancer screening. The dedicated staff who work in this area are doing the best they can with limited resources.

**MR SPEAKER:** Order! The Leader of the Opposition's time has expired.

### **Members' rights**

#### **Human rights**

**MR STEFANIAK** (Ginninderra) (5.53): Mr Speaker, I wish to speak about two things. Briefly, we are currently collating figures to show just how rare it has been for someone who has wanted to speak on an important matter to be granted leave to do so. Invariably, they have been able to do so. We do not have the figures yet, but we will have that information by the time the Assembly next sits. I think it is of concern to see members' rights being impinged upon by a government that is in the majority but also a government that professes to have great regard for people's human rights, including the right of free expression. So watch this space on that one.

Getting onto something completely different, of grave concern right round the world is the infringement of people's basic human rights, including the right to live. Recently, I saw a preview of an excellent film which I commend to members, that is, *Hotel Rwanda*. It is a brilliant film that deals with the tragic and horrendous events in Rwanda in 1994 when the Hutu tribe there basically tried to wipe out the Tutsi tribe by engaging in horrendous acts of genocide. The film portrays that brilliantly.

The film also portrays the utter frustration of some of the peacekeepers, especially the officer in charge, a Canadian colonel, at the absolute limitations placed on what they could do. A number of the peacekeepers—I think they were Pakistani soldiers—were summarily executed by mobs. The film also shows the horrendous corruption in Rwanda and is a great tribute to a very brave man who saved about 1,200 Tutsis in the hotel he was managing. It is a film that shows the very worst that human beings are capable of.

**Mr Smyth:** And the best.

**MR STEFANIAK:** And the best, yes. As well as horrendous events such as the Holocaust of some 60 years ago, there have been examples in recent times of genocide—Pol Pot, Rwanda. At present, in southern Sudan acts of horrendous cruelty and genocide are being committed.

**Mr Smyth:** Saddam Hussein attacking the Kurds.

**MR STEFANIAK:** Mr Smyth mentions the Kurds and the attempt at genocide there by the regime of Saddam Hussein. It is obviously difficult to force very powerful countries,

such as the former Soviet Union or China, to adhere to human rights, because even military threats do not have much effect there, but surely the world community could do a lot more in countries where perhaps a division of well-trained troops would make all the difference in stopping the murder of hundreds of thousands of citizens.

The people who are critical of what the Americans and their allies are doing in Iraq need to stop and think of the horrendous breaches of human rights there and the fact that, by the actions they are taking, maybe many lives ultimately will be saved. We can only wait and see, and hope. But I would certainly commend the film to members. It is a timely reminder of just what can happen in this world. It is a timely reminder too of how precious our democracy is and the fundamental regard we have for human rights in Australia. Sadly, the fundamental regard that people have here is not evident in all that many countries round the world.

The film indicates the powerlessness in many instances of the United Nations and the need for reform of that body if it is to make a real difference to the promotion of human rights round the world in terms of actually protecting people of countries that may well delve into the inhuman acts which we have seen only recently and which the film *Hotel Rwanda* brings out so vividly. I do not know who was right or wrong in the initial struggle between the Hutus and the Tutsis. The trouble seemed to die down when the Hutus got the upper hand. The film brings home starkly what is happening around our world, what continues to happen, and indeed the powerlessness and perhaps inefficiency of the United Nations to deal properly with the situation. The film is certainly a great reminder that we live in a dangerous world and I commend it to those members who have not seen it.

### **Minister for Health**

**MR SESELJA** (Molonglo) (5.58): I would like to speak briefly in response to the statement earlier by Mr Corbell about the interaction yesterday between my office and his. Mr Corbell claimed in his statement that we had not given sufficient notice because we had not given the absolute detail of the question. My office, I am informed, gave to Mr Corbell's office prior to question time yesterday information that we would be asking a question about the section 87 development in Belconnen, that we would be asking about the tender process and particularly asking about the amounts involved.

I do not know how much more detail we needed to give Mr Corbell's office prior to question time for him to be able to answer the question, but Mr Corbell was saying when he came back into the chamber that that was the reason he was not able to give me a proper answer. He came back 24 hours later and gave us exactly the same answer, which was a non-answer. He came back and said, "What you knew before is about all we are going to tell you. It is about \$7 million and we are not really going to go any further than that." After using the excuse that we had not given him enough detail—I do not know how much detail we need to give ahead of time—he gave us no more, 24 hours later, having had the questions asked of him.

I would just like to place it on the record that if, in future, Mr Corbell's office is really in need of that much assistance, we certainly will endeavour to give it the exact question, if that will help, but I would have thought that telling the office the nature of the question,

that it is to do with figures, and asking the minister to be prepared to answer the question would be sufficient. I certainly hope that in the future we will get better answers.

I think that there has been a bit of a pattern emerging with Mr Corbell in recent times of not answering questions. I had some answers to questions on notice come back from a committee just recently and, once again, Mr Corbell refused to answer the questions that were put to him, quite reasonable questions, seeking to obtain information on behalf of people of the ACT about his time as minister. Once again, he refused, and in the last couple of days in question time he refused—

**Mr Corbell:** You just do not like the answers; that is your problem.

**MR SESELJA:** They are not answers. Even with the question today, you would not tell us whether the letter came from a Labor staffer. I know that it might have been embarrassing for him to say so, but I call on him to table it so that we can all see how objective this constituent is.

**Mr Corbell:** There is a difference between answering and you not liking the answer.

**MR SESELJA:** No, I want the answer. We really want this answer. I just do not think you want the answer to be seen.

**MR SPEAKER:** Order! Mr Seselja, direct your comments through the chair. Mr Corbell, cease interjecting.

**MR SESELJA:** I would once again call on Mr Corbell to table the letter from the constituent, from the very concerned Labor apparatchik constituent. It must have been extremely embarrassing for him to find that it was a Labor staffer. Maybe he did not know. Maybe he missed that point, but I think that it is a salient point. I think people in the community would want to know. If Mr Corbell is going to pass off a Labor staffer's letter to him as representative of Canberrans' experience of the ACT hospital system, then Mr Corbell is going to have a serious credibility problem.

### **Phenomics facility**

**MS PORTER** (Ginninderra) (6.01): I would like to draw the Assembly's attention to a recent event that I was pleased to attend on behalf of the Chief Minister. The occasion was the celebration of the fulfilment of three years of planning and construction, culminating in the official opening of a world-class facility, the Australian Phenomics Facility, at the ANU.

The Australian Phenomics Facility increases the standing of the ACT's biotechnology and health sciences industries around the world. In 2003, in its economic white paper, the ACT government committed to supporting the biotechnology industry as an industry that could provide the ACT with high-value jobs. Not only does the ACT have a natural competitive advantage because of the world-renowned research carried out at the ANU, but also it has the ability to turn that research into high-value jobs and investment opportunities, as demonstrated by the Australian Phenomics Facility and its spin-off company, Phenomix Corporation.

Without the fundraising efforts of the facility's original group, particularly Professor Chris Goodnow, who leveraged an initial \$2 million investment from the Canberra Cancerians Committee into \$40 million for the Medical Genome Centre, we would not have such a world-class facility in Canberra. Because of this group's ability to leverage funding and the ACT government's commitment to biotechnology, the ACT government was pleased to support the facility's conquering immunological diseases program with an injection of \$50,000 as seed funds for the program.

This is a one-of-its-kind research program and world-leading research that will remove barriers to developing cures for leukaemia and other cancers, autoimmune diseases, allergies, asthma, chronic infections and other inflammatory disorders. As a former registered nurse, I am extremely pleased about this drive to advance biotechnology and public health. As I speak, a person I spoke about in this place only recently is lying semi-conscious in a hospital in the ACT after collapsing on the weekend. Unfortunately, there appear to be serious problems with his transplanted heart. A few years ago, I lost a nephew after such a transplant.

**MR SPEAKER:** Order! The time for this debate has expired.

**The Assembly adjourned at 6.04 pm until Tuesday, 15 March 2005, at 10.30 am.**

## Schedules of amendments

### Schedule 1

#### Justice and Community Safety Legislation Amendment Bill 2005

##### Amendments moved by Dr Foskey

1

**Proposed new section 6A**

**Page 3 line 23—**

*insert*

**6A People disqualified from being licensed  
New section 27 (1A) and (1B)**

*insert*

(1A) However, the commissioner for fair trading may decide that a person is not disqualified from being licensed only because subsection (1) (a) applies to the person if—

- (a) the conviction happened more than 5 years before the day the person made an application under section 29; and
- (b) the person has not been convicted of any offence for 5 years before the day the person made the application; and
- (c) the commissioner is satisfied that the disqualification is not in the public interest.

(1B) In subsection (1A):

*conviction* does not include a conviction for which a prison sentence of longer than 6 months has been imposed.

2

**Proposed new section 6B**

**Page 3, line 23—**

*insert*

**6B Section 27 (2)**

*omit*

However

*substitute*

Also

---

### Schedule 2

#### Water Efficiency Labelling and Standards Bill 2005

##### Amendment moved by Mrs Dunne

1

**Clause 57**

**Page 29, line 22—***omit clause 57, substitute***57 Returning evidential material**

The regulator may dispose of evidential material as the regulator considers appropriate if the regulator cannot, despite making reasonable efforts, find—

- (a) the owner of the material; or
- (b) a person who was in lawful possession of the material when the material was seized or secured.

**Schedule 3****Justice and Community Safety Legislation Amendment Bill 2005**Amendments moved by Dr Foskey**1****Proposed new section 6A****Page 3 line 23—***insert***6A People disqualified from being licensed  
New section 27 (1A)***insert*

- (1A) However, a person is not disqualified from being licensed only because subsection (1) (a) applies to the person in relation to an offence if—
- (a) the offence is—
    - (i) not punishable by imprisonment; or
    - (ii) punishable by imprisonment of not longer than 2 years; and
  - (b) the person was convicted of the offence more than 5 years before the day the person made the application under section 29; and
  - (c) the commissioner is satisfied that the disqualification is not in the public interest.

**2****Proposed new section 6B****Page 3, line 23—***insert***6B Section 27 (2)***omit*

However

*substitute*

Also

## Answers to questions

### Drugs—diversion program (Question No 11)

**Mr Smyth** asked the Minister for Health, 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 Corbell:** The answer to the member's question is a joint response from ACT Health and the Australian Federal Police:

- (1) Yes, the ACT Government did announce a \$70 000 new drug diversion program in January 2002, and 85 people have been referred to the program since its introduction.
- (2) The breakdown of males/females referred to the Drug Diversion program is as follows:

	<b>Males</b>	<b>Females</b>
2001/2002	6	2
2002/2003	8	2
2003/2004	43	10
2004/2005	12	2

- (3) Of those referred to the Drug Diversion program, 27 were under the age 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) ACT Health is pleased with the progress of the Drug Diversion Program (that is, Police Early Diversion). The number of referrals to Police Early Diversion has increased between 2002/2003 and 2003/2004 (see answer to Q2). Referrals in 2004/05 have, as of December 2004, already exceeded referrals for the entire year in 2001/2002 and 2002/2003 (also Q2). Further progress is expected, as education to Police Officers about early intervention and diversion continues to increase.
- (5) The number of persons that have been referred to the Drug Diversion program and have re-offended in relation to drugs is 9. It should be noted that 1 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 who re-offends 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) 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 or ACT Health staff 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 for Diversion. 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   |
|           | \$ 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 from the Australian Government Department of Health and Ageing.

### **Hospitals—inpatient facilities (Question No 41)**

**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 *Sub and non-acute inpatient facility* that plans for the sub/non acute facility will be finalised by late 2004; if so, (a) have the plans for this facility be finalised, (b) when will the plans be made public; if not, (a) why not and (b) when will they be finalised;
- (2) Will tenders still be called for construction in early 2005; if so, when do you anticipate to call for tenders; if not, (a) why not and (b) when will the call for tenders go out.

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

- (1) An article in the July edition of *Healthy Territory* said "...it is anticipated that the plans will be finalised by late 2004."
    - (a) No.
    - (b) Design concepts and sketch plans have been made public as part of community consultation processes and the final sketch plans will be placed on public display.
    - (a) Additional time has been allocated to developing the sketch plans to ensure that the new facility will meet requirements.
    - (b) It is expected that sketch plans will be finalised in the new year.
  - (2) It is expected that tenders will be called in 2005. The actual date on which they are to be called is not yet set.
- 

**Drugs—treatment services  
(Question No 66)**

**Dr Foskey** asked the Minister for Health, upon notice, on 9 December 2004:

- (1) In relation to the three recent and ongoing reviews of the Alcohol and Drug Program (ADP), when will the findings and recommendations of the investigation into workplace environment and clinical governance be publicly released;
- (2) Is the Government considering a review of all alcohol and drug services in the ACT, both government and non-government, including their funding and effectiveness, to ensure that the community has access to a level of prevention, education and treatment services comparable to other states and territories.
- (3) How was the Clinical Governance Review team selected, and was a request for tender undertaken by A.C.T. Health;
- (4) How have the recommendations of the Acumen report on probity been implemented, or are being implemented;
- (5) What strategic action has been taken to prevent clients from the opioid treatment service continuing to accumulate debt for their methadone or buprenorphine;
- (6) What training has been provided to counsellors and intake staff workers over the past 12 months;
- (7) What training has been provided to Registered and Enrolled Nurses over the past 12 months in order to ensure they meet Nurses Registration Board requirements;
- (8) How are clients involved in policy/decision making processes;
- (9) How are services provided for Dual Diagnosis clients, including whether ADP doctors prescribe psychiatric medication or advise clients to seek advice from their GP's;
- (10) What is the procedure if clients do not have a GP.

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

- (1) The review into clinical governance has been completed and once the report is submitted a decision will be made on public release of the findings and recommendations. The review into workplace environment has been finalised and as you would be aware the recommendations and the Government's response was sent to all MLAs on 17th December 2004.
- (2) The allegations that sparked the review into the Alcohol and Drug Program were specific to the Program. There is no intention at this stage to review all alcohol and drug services in the ACT.
- (3) The clinical governance review team was chosen by ACT Health after liaison with appropriate clinical leaders interstate. There were three reviewers; their interests covered expertise in clinical governance of health services, specific clinical expertise in provision of drug and alcohol services, and management as well as policy expertise in regional and state wide provision of drug and alcohol services. The make-up of the review team was designed to provide ACT Health with a balanced and authoritative report on clinical governance of our Community Health Alcohol and Drug Program. ACT Health did not undertake a request for tender.
- (4) All the recommendations from the Acumen report on probity are being implemented. One of the recommendations was to conduct an investigation into alleged fraudulent activity at the Belconnen Remand Centre and this investigation has been completed.
- (5) Clients with outstanding debt have been sent statements advising of the amount outstanding and requesting them to pay the outstanding amount or enter into an agreement to repay the amount. Clients who dose at the public clinic at a cost of \$15 per week are requested to pay when they present for dosing. The public clinic is not refusing treatment to those people who do not pay their weekly fee or who have an outstanding debt.
- (6) Staff have participated in variety of training and workshops: child protection training; understanding corporate and clinical governance; effective case work and case management; case management – developing an evidence base; occupational health and safety risk and management; client safety; mastering difficult interactions; management for clinicians; change management; The Australasian Professional Society on Alcohol and Other Drugs (APSAD) Conference; leaders of change; mastering difficult interactions; benzodiazepine training; skills training in dialectical behaviour therapy; emotional fitness; substance abuse during pregnancy; work place trainer certificate 4 in work place training; and family drug support conference. Staff have received studies assistance to undertake tertiary studies: Bachelor of Community Education (x2); and, Bachelor of Social Work (x2). One staff member has been funded to complete Graduate Certificate of Public Sector Management.
- (7) All Registered and Enrolled Nurses are required to complete annual credentialing in: CPR; Venipuncture; Manual Handling; Professional Assault Response Training; and, Opioid Treatment Service medication administration. This process has been reinstated within the past two years. In addition to this, staff access other training: staff supervision; interview skills; preceptorship; substance use in pregnancy; grief counselling; mental health/Comorbidity; and sexual health. There is a weekly in-service calendar generated by Clinical Nurse Consultants that provides opportunities for nurses, medical staff and our stakeholders to provide updates. At present approximately one third of nursing staff are enrolled in post graduate courses and also enrolled nurse medication and registered

nurse conversion for Enrolled Nurse course. All staff enrolled are supported to attend and study. In the past year 7 nursing staff (of a total nursing staff of approximately 30) have had the opportunity to attend alcohol and drug conferences/symposiums in other jurisdictions.

- (8) There are a number of mechanisms for client feedback and participation. Community Health's feedback program "Have your say about our services" provides the opportunity for clients to submit written comments, complaints, concerns or compliments. Alcohol and Drug Program have regular client feedback meetings with the peer-based service, Canberra Alliance for Harm Minimisation and Advocacy (CAHMA) and clients. The Opioid Treatment Advisory Committee has included as members CAHMA and a consumer representative. In addition, the Treatment Support worker employed by CAHMA has been provided the opportunity to be on site in the Opioid Treatment Service once per week to assist clients with any concerns or requests with regards to their treatment. The Withdrawal Services conduct a weekly client feedback. Each of these mechanisms provide the opportunity for clients to contribute, so that services can best meet the needs of the client group.
- (9) Clients with a comorbidity/dual diagnosis are reviewed by medical and nursing staff as part of their regular review process for pharmacotherapy treatment or on a needs basis from day to day. ADP medical staff approach such clients with a shared care approach that involves consultation with the client's psychiatrist or GP. In the Opioid Treatment Service, ADP medical staff do not assume a prescribing role for comorbidity/dual diagnosis. In the inpatient Withdrawal Service, ADP medical staff temporarily assume the prescribing role for these clients and refer the client back to the psychiatrist or GP for ongoing management. For all these clients there is additional support available from the ADP and Mental Health Comorbidity Services.
- (10) Not all clients accessing ADP services will have a GP. Clients wanting referral to a GP for continued management on the Opioid Treatment Program can be assisted in this by Program staff. Clients requesting transfer to GP management of their opioid treatment are required to have demonstrated stability on the pharmacotherapy treatment prior to transfer. Clients discharging from the inpatient Withdrawal Service are encouraged, prior to discharge, to make an appointment with a GP for continued treatment needs, and they are provided with a referral letter. Opioid Treatment Service clients wanting to access a GP for general health requirements are provided with a number of options and contacts to do so and then appropriately referred, if the client requests formal referral.

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### **Computers—information technology support (Question No 85)**

**Mrs Burke** asked the Chief Minister, upon notice, on 15 February 2005:

- (1) Has the ACT Government Community Engagement Manual been completed and released;
- (2) How many of the 148 community organisations offered funding for information technology support by the ACT Government have received up to \$1 000 in funding grants;
- (3) If all grants were not allocated, where has the funding been redirected.

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

- (1) No.
  - (2) Forty-four organisations would have received their IT equipment/broadband up to the value of \$1,000 by the end of February 2005.
  - (3) The Department is currently investigating other IT support measures for the community sector with unspent funds from the Community Engagement Initiative.
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**Prisons and prisoners—newsletter  
(Question No 86)**

**Mrs Burke** asked the Attorney-General, upon notice, on 15 February 2005:

Will provision be made in the operation of the proposed ACT prison to allow any form of newsletter or magazine that enforces positive aspects of the culture and upholds the dignity and humanity of prisoners.

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

There will be provision in the Alexander Maconochie Centre for the production and distribution of newsletters as appropriate, however, the establishment and maintenance of a positive, humane prison culture will require the integration of a pro social value system with every aspect of prison operation.

Information will necessarily be conveyed to and from prisoners and staff in the most effective available media at the time. Taking into consideration that many prisoners are below functional levels of literacy, a range of media will be employed to promote the desired culture. This may include internal e-mail, intercom systems, video technology, print, artwork, prisoner operated radio and newsletters.

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**Computers—information technology support  
(Question No 87)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

- (1) What nine community organisations are involved in the Information Technology Awareness Raising Computer Rollout conducted by Billabong Corporation on behalf of the ACT Government;
- (2) How is the project progressing and have all nine organisations received (a) computers, (b) ongoing computer training and (c) information technology support for a specified period.

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

- (1) The nine community organisations are:
  - Gugan Gulwan Youth Aboriginal Corporation;
  - Boomanulla Oval (Aboriginal and Sporting Corporation and Recreational Facility);

- Billabong;
- Aboriginal and Torres Strait Islander Cultural Centre;
- Gerib Sik- Torres Strait Islander Corporation;
- WIRC Women's Information and Referral Centre;
- Beryl Women's Refuge;
- Galilee; and
- Isabella Plans Hostel.

(2) The timeline for the rollout of the project is:

1. Installation and networking of all computers by 30 April 2005.
2. Commence Training 31 May 2005.
3. Fourteen (14) flexible training courses will be conducted to 31 November 2005.
4. For a period of twelve months (31/12/05) two tiers of support will be provided
  - a) telephone support; and
  - b) limited on-site support.

Installation of computers has already occurred at Gugan Gulwan, Boomanulla Oval and Billabong.

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### **Aboriginals and Torres Strait Islanders—recruitment (Question No 88)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 15 February 2005:

How will the Aboriginal and Torres Strait Islander Strategy launched in December 2004 progress outcomes in recruitment of Aboriginal and Torres Strait Islander people in the ACT Public Service.

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

The ACT Government did not launch an Aboriginal and Torres Strait Islander Strategy in December 2004.

An Aboriginal and Torres Strait Islander Employment Strategy is currently under development and will be released later this year.

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### **Housing—abused women (Question No 95)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

What is the number of women from interstate who have claimed to be abused and have applied for ACT Public Housing between 1 January and 24 December 2004 under the Public Rental Housing Assistance Program.

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

After careful consideration of the question, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

### **Schools—therapy services (Question No 98)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

- (1) Were parents of students at The Woden School told at the start of the 2004 school year by Therapy ACT that therapy services were not being offered to special school students in that year;
- (2) Did Therapy ACT offer parents of students at any other ACT special schools special therapy services at the start of the 2004 school year;
- (3) Does the ACT Government intend to restore therapy services for children with a disability in the special school(s) where they were not offered services at the start of the 2004 school year; if not, why not.

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

- (1) No.
- (2) Yes.
- (3) Not applicable.

### **Disabled persons—tenancy agreements (Question No 99)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

- (1) What progress has occurred in securing individual tenancy agreements for residents of Disability ACT group homes;
- (2) If individual tenancy agreements have been allocated, (a) how many have been allocated and (b) are they structured on the standard ACT Housing tenancy agreement.

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

- (1) On 15 June 2004 and 16 June 2004 Housing ACT and Disability ACT convened two public information sessions. Since June 2004 Housing ACT and Disability ACT have met with each of the forty-five households to offer the tenancy. Three households have indicated that they will accept the tenancy offer and five households have indicated that

they would prefer to remain on the current tenancy model. The remaining 37 households are still considering the offer.

- (2) (a) None.
- (b) Yes.

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### **Housing—tenancy agreements (Question No 100)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

- (1) What process is undertaken to validate tenancy agreements with ACT Housing tenants to ensure (a) the actual resident/s are those listed on the tenancy agreement and (b) the correct level of rent is charged in relation to the tenant/s income;
- (2) What steps are taken to move a tenant onto full market rent if the rate of income within a household exceeds the prescribed point determined by ACT Housing;
- (3) How often is validation conducted as part of a review of a tenancy agreement;
- (4) What action, if any, is taken if a breach occurs that affects security of tenure of a public housing tenant.

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

- (1) (a) Housing ACT undertakes annual Client Service Visits in accordance with the Residential Tenancies Act. As with any residential tenancy agreement, there are provisions to allow tenants to have guests to stay. There is nothing in the standard residential tenancies agreement to prevent tenants accepting additional household members.

Where there are allegations of illegal sub-letting, Housing ACT will seek evidence to ensure the tenants of record are still in residence.

- (1) (b) Tenant households are required to submit regular Applications for Rental Rebates, confirming household composition and household income.

Where there are allegations of additional household members or undeclared income, Housing ACT will investigate the matter and, where appropriate, refer the matter to the Australian Federal Police for formal investigation.

- (2) Tenant households are required to submit regular Applications for Rental Rebates, confirming household composition and household income. The rent payable is calculated from this information.

Households where all members are on stable long-term incomes (such as a superannuation pension, Disability Support Pension or Age Pension) are reviewed annually, other rebated households are reviewed six monthly.

- (3) There are no tenancy agreement reviews.

- (4) Breaches of the Public Rental Housing Assistance Program may result in the Commissioner for Housing withdrawing housing assistance. As the power to terminate tenancies rests under the Residential Tenancies Act, a client would have to breach both the Public Rental Housing Assistance Program and the Residential Tenancies Act in order to affect the housing assistance principle of security of tenure. Security of tenure as a Residential Tenancy Act right is constructed in terms of notice periods and the protection provided by the Residential Tenancies Tribunal.

### **Housing—social landlord scheme (Question No 101)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

How many people in urgent need of accommodation, who are on the public and community housing waiting lists with ACT Housing, are being provided with a lease in the private rental market in the ACT under the Social Landlord Scheme.

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

Twenty people.

### **Housing—crisis accommodation (Question No 102)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

- (1) Which crisis accommodation service providers are in breach of their contracts for offering accommodation to persons beyond the agreed period as stipulated in their contracts;
- (2) How many service providers are currently placing clients in hotel and motel accommodation and what is the cost to these organisations.

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

- (1) SAAP funded crisis accommodation services are able to respond to individual client need on the basis of the client's circumstances. A service's decision to allow a client to stay longer than the period stated in a service's funding agreement guidelines would not constitute a breach and would not be acted on as a breach.

The Department of Disability, Housing and Community Services is more concerned that agencies use their professional judgement and assessment around an individual's circumstances and support needs. The Department would not expect a client to be refused an extension of their period of accommodation if the client and the service had been unable to find appropriate medium or long-term housing.

- (2) Canberra Emergency Accommodation Service (CEAS) is the primary provider of SAAP funded private accommodation brokerage. The service is funded to provide up to \$2,500 per week on crisis placements in privately purchased low-cost accommodation.

In addition, several SAAP funded services have limited brokerage funds available and may purchase low-cost accommodation where clients are unable to be accommodated in SAAP services either due to their personal circumstances or a lack of crisis accommodation vacancies.

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### **Housing—indigenous (Question No 103)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

- (1) Does the Department of Disability, Housing and Community Services have an Indigenous housing policy; if so, what are the key principles;
- (2) Does the Department provide information on Indigenous housing to the Steering Committee for the Review of Government Service Provision; if not, why not.

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

- (1) No, the Department of Disability, Housing and Community Services does not have an explicit policy on Indigenous housing.

Key Indigenous housing policy directions and commitments are expressed in the *2004-2005 Interim Indigenous Housing Agreement* between the ACT and Australian Governments and the associated *2004-2005 ACT Aboriginal and Torres Strait Islander Housing Plan*. The policy priorities for housing assistance for Aboriginal and Torres Strait Islander people set out in these documents are also reflected in the *Bilateral Agreement between the Australian and ACT Governments* under the *Commonwealth State Housing Agreement 2003-2008*.

- (2) Yes, the Department of Disability, Housing and Community Services does provide information on Indigenous housing to the Steering Committee for the Review of Government Service Provision. In 2003-2004 this included the provision of information on the total number of new Indigenous households assisted in that year and the total number of Indigenous households at 30 June 2004. The Steering Committee for the Review of Government Service Provision did not, however, publish this information in its *Report on Government Services 2005*.

Information on Indigenous housing provided in the *Report on Government Services 2005* focuses exclusively on what is known as 'State owned and managed Indigenous housing'. This housing is defined as rental housing dwellings owned and managed by government and allocated to only Indigenous Australians. It is generally funded by the Aboriginal Rental Housing Program and may be supplemented by untied Commonwealth State Housing Agreement funds. The ACT is not included in data collection on this type of housing because it does not receive any funds under the Aboriginal Rental Housing Program, and does not administer any Territory owned and managed Indigenous housing programs.

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**Housing—crisis situations  
(Question No 104)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

What are the protocols within the Department of Disability, Housing and Community Services (a) that assist staff dealing with crisis situations faced by tenants and (b) for dealing with hostile tenants.

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

Housing ACT has an Occupational Violence and Aggressive Behaviour Policy and Procedure. The Department of Disability, Housing and Community Services also offers all its staff access to an Employee Assistance Program and conducts formal debriefings by professional counsellors, after a critical incident.

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**Housing—assistance  
(Question No 105)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

What is the current role of public housing in the ACT and who qualifies for assistance.

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

The information is available on the Department of Disability, Housing and Community Services website at [www.dhcs.act.gov.au/housing](http://www.dhcs.act.gov.au/housing) and [community\\_services/services/public\\_housing](http://www.dhcs.act.gov.au/community_services/services/public_housing).

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**Development—Red Hill  
(Question No 106)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2005:

Are there future plans to refurbish or redevelop the Housing ACT properties located within Block 1, Section 25 and Block 1, Section 26, Red Hill; if so, what are those plans.

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

Four years ago a master planning exercise was undertaken by consultants for Housing ACT. This process involved extensive consultation with public housing tenants, the Red Hill community and the Local Area Planning Advisory Committee.

Consistent with the Public Housing Asset Management Strategy, opportunities will continue to be explored to address issues associated with the Red Hill properties including the age of the properties, their maintenance requirements and the concentration of public housing

properties. This will, of course, involve continuing discussions and consultation with tenants.

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**Land—moderate income ballot  
(Question No 108)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 15 February 2005:

- (1) How many inquiries were received from parties interested in registering for the Moderate Income Land Ballot;
- (2) Of these interested parties, how many registered for inclusion in the ballot;
- (3) How many parties who registered attended the ballot to purchase property on the day of the ballot;
- (4) How many of the parties drawn to purchase blocks in the ballot withdrew from the purchase prior to signing the contract of sale;
- (5) In what order were the blocks available for sale purchased;
- (6) How many of the successful parties to the ballot met the eligibility criteria after the compliance check was performed;
- (7) How much money was spent on the advertising and marketing of the Moderate Income Land Ballot.

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

- (1) 691 enquiries were received.
  - (2) 42 parties pre registered for the ballot by completing the registration and self-assessment forms.
  - (3) 28 pre-registered parties attended the ballot. In addition, a further 6 parties registered on the day.
  - (4) 34 numbers were drawn from the ballot. 18 registrants decided not to purchase due to their preferred block not being available.
  - (5) Blocks were chosen and purchased by registrants in the order that numbers were randomly drawn from the barrel.
  - (6) All of the parties who purchased land at the MILB met the eligibility criteria after the compliance check was performed by the ACT Revenue Office.
  - (7) Land Development Agency spent \$42,112.00 on advertising and marketing for the MILB held on 4 December 2004.
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**Roads—Horse Park Drive  
(Question No 109)**

**Mr Seselja** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) Has a sign ever been erected in relation to the extension of Horse Park Drive; if so, (a) where was the sign(s) erected, (b) what dates were listed for completion of the work and (c) on what dates were the signs erected and removed;
- (2) Has there been a proposal to extend Horse Park Drive from Amaroo to Ngunnawal/Nicholls in the past; if so, (a) when was this, (b) when did this proposal cease to be a current proposal and (c) what provisions were made for this project in previous Capital Works programs.

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

- (1) A number of signs have been erected in relation to the extension of Horse Park Drive as the road has been extended in stages through a number of projects.
  - (a) and (b) the signs for each extension were erected close to the relevant work sites for each stage of extension and include:
    - from Katherine Avenue South to Katherine Avenue North completed in 2003-04
    - from Katherine Avenue North to Community Precinct completed in 2002-03
    - from Gundaroo Drive to Federal Highway completed in 2001-02
    - from Yerrabi to Katherine Avenue South completed in 2001-02
    - from Gundaroo Drive to Yerrabi Pond completed in 2000-01
    - from Newlop Street to Arrabri Street completed in 1995-96
    - from Gungahlin Drive to Newlop Street completed in 1993-94
  - (c) There are no records available on when signs were erected and removed however signs were generally erected and removed by the contactors executing the works in accordance with the requirements of each contract.
- (2) The extension of Horse Park Drive from Amaroo to Ngunnawal / Nichols has not been included in any past capital works programs. The timing for the inclusion of the road extension in a future capital works program will be dependant on the road access requirements to support future land development in Ngunnawal 2C, Casey, Moncrieff, Taylor and Jacka.

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**Environment ACT—phone calls  
(Question No 113)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 15 February 2005:

- (1) How many people employed in Environment ACT are tasked with answering the inquiry line with the phone number of 6207 9777;
- (2) On how many occasions in (a) 2003-04 and (b) 2004-05 to date has the 6207 9777 number been flicked through to Canberra Connect due to the high number of calls received to that line;

- (3) Is the number of people employed that can answer this phone number appropriate and adequate given that the number is the inquiry line for 107 different query areas within Environment ACT;
- (4) How can the Government be confident that each individual that calls the Environment ACT phone number of 6207 9777 is being dealt with appropriately when this number takes the vast majority of calls with queries regarding environment type issues in the ACT;
- (5) Is it acceptable that a person wanting to inquire about backyard burning is directed to the same number as those wanting to make a boat booking for the Molonglo River;
- (6) Would the Government consider reducing the high number of calls to the 6207 9777 phone number by allocating a new phone number to some of those 107 areas to take pressure of the already stretched 6207 9777 phone number; if not, why not.

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

- (1) Three part-time staff and one supervisor within Arts, Heritage and Environment are tasked with answering the Help Line 6207 9777.
- (2) 5774 out of a total of 22309 calls, overflowed from Arts, Heritage and Environment to Canberra Connect between Jan 1 2004 and Dec 31 2004. Statistics for the 2003 year are currently being sought from Canberra Connect.
- (3) Yes.
- (4) Help Line Procedures and experience ensure that individual queries are being dealt with appropriately. Information is shared with Canberra Connect. There is a system of logging and tracking of calls and e-mail.
- (5) Yes
- (6) A single phone number has proven to be the most effective way for the Community to contact Arts, Heritage & Environment. This single entry point has been promoted widely through a range of marketing and promotional activities and has high recognition.

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**Graffiti—removal  
(Question No 124)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) Further to the answer to question on notice No 32 in relation to graffiti removal, what was the failure in the reporting process;
- (2) How has it been addressed.

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

- (1) The failure in the reporting process was caused by a fax transmission line malfunction, and a failure to check the fax transmission report to confirm that a message had been dispatched.

- (2) The reporting process has been amended to include a requirement for the receiving contractor to acknowledge receipt of urgent requests (offensive graffiti). Reporting software has also been modified to flag receipt acknowledgment.

### **Roads—parking inspectors (Question No 125)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) Are trainee parking inspectors required to wear a (a) uniform when in training and (b) form of identification so that members of the public can identify that they are in training; if not, why not;
- (2) Are trainee parking inspectors required to be accompanied by a fully qualified parking inspector at all times; if not, why not.

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

- (1) (a) Yes. However, trainee parking inspectors do not wear a uniform in the initial two weeks of training. Parking Operations has adopted this practice to minimising trainee interaction with the public until they have received training to enable them to deal with the public and exercise delegations under the Road Transport Legislation. At the end of the two weeks and upon successful completion of conflict resolution training, a uniform is issued to the inspector.
- (b) No. All parking inspectors and trainees wear an identifying badge, however the badge does not identify the status of the officer. This is not considered necessary as trainee inspectors do not issue infringements or exercise delegations.
- (2) Yes. Inspectors continue to be accompanied on the job by an experienced authorised inspector until the trainee is fully competent.

### **Roads—carpark prices (Question No 126)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) What process is used to determine pricing structures in Government carparks in (a) Belconnen, (b) Civic, (c) Deakin, (d) Dickson, (e) Kingston, (f) Manuka, (g) Tuggeranong and (h) Woden;
- (2) Is the process of determining pricing structures different for any of those suburbs listed in part (1); if so, why;
- (3) Why is there no indication of on street pay parking on the 'Pay Parking in Civic – Map' on the Transport ACT website  
(<http://www.transport.act.gov.au/pdfs/payparkcivicmap.pdf>)

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

- (1) Parking fees in Territory car parks are set in conjunction with principles in the Sustainable Transport Plan, as one method to encourage the use of public transport, and minor modes such as cycling and walking.

The fee structure in ACT Government car parks is based on a zonal system where car parking closer to the Central Business District (CBD) is more expensive than car parking further away.

Territory parking fees are higher in Civic, in recognition of its higher density, higher land value and more significant employment base. Fees are lower in Woden, Belconnen and Tuggeranong due to lower land costs and land use pressures in those areas.

Territory pay parking in Civic is divided into three zones:

- Zone A (\$9.00 all day) – premium parking closest to the CBD;
- Zone B (\$6.70 all day) – mid range parking further from the CBD; and
- Zone C (\$4.50 all day) – outer range parking on the edge of the CBD.

Territory pay parking in Belconnen, Woden and Tuggeranong is divided into two zones:

- Zone A (\$4.50 all day) – premium parking closest to the Town Centre core; and
- Zone B (\$3.30 all day) – outer range parking on the edge of the Town Centre.

There is also \$3.30 all day parking in Manuka.

Fees for on-street parking in Civic are \$1.20 per hour and \$0.80 per hour in other centres.

Parking fees are reviewed annually in line with the Government's Fees and Charges cycle. However, they are not changed every year due to the cost of re-programming parking devices and changing pay parking signage.

Territory all day parking fees were last changed with the introduction of the GST in 2000. Upon implementation in early 2004, Territory parking fees in Belconnen and Tuggeranong Town Centres were set at the same level as those applying in Woden.

The overall level of ACT parking fees is also currently being considered in the context of the development of an ACT Parking Strategy by ACTPLA.

- (2) No.

- (3) The main function of the maps is to show the location of off-street pay parking to assist commuters and visitors in locating a suitable parking space. Including the extensive, and readily identifiable, on-street meter parking would be confusing due to the scale of the map.

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### **Graffiti—removal (Question No 127)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) How much has the ACT Government spent on graffiti removal in the financial years (a) 2001-2002, (b) 2002-03, (c) 2003-04 and (d) 1 July to 31 December 2004;
- (2) How many reports of graffiti vandalism were received in the years listed in part (1);

- (3) How many graffiti incidents were cleaned up within 24 hours of being reported in the years listed in part (1);
- (4) How many offenders have been (a) caught, (b) charged and (c) penalised or prosecuted for graffiti related offences in each of the years listed in part (1);
- (5) What was the average penalty given for graffiti related offences in each of the years listed in part (1).

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

- (1) Cost of graffiti Removal

YEAR	COST
2001 - 2002	\$1,009,828
2002 - 2003	\$1,031,453
2003 - 2004	\$ 963,124
July – Dec 2004	\$ 459,561
<b>TOTAL</b>	<b>\$3,463,966</b>

- (2) Incidents of reported graffiti.

YEAR	NUMBER
2001 - 2002	15,292
2002 - 2003	16,599
2003 - 2004	13,218
July – Dec 2004	5,206
<b>TOTAL</b>	<b>50,315</b>

- (3) The graffiti removal contracts for government assets require all areas to be inspected weekly. Graffiti with offensive words or messages must be removed within 24 hours of observation or notification. All other graffiti must be removed within 3 days. Although less than 2% of the reported graffiti is offensive, more than 80% of **all** reported graffiti incidents are removed within 24 hours. The remainder, with the odd exception is removed within 3 days. The contracts require at least 95% compliance and this is being achieved.

- (4)

How Cleared	2001-2002	2002-2003	2003-2004	1 Jul-31 Dec 2004
Arrest	0	4	1	3
Caution	27	2	5	2
Charged Before Court	1	2	3	0
Diversionary Conference	4	0	2	0
Drug Diversion	0	0	0	2
Summons	8	2	7	1
VATAC*	1	0	0	0
<b>TOTAL</b>	<b>41</b>	<b>10</b>	<b>18</b>	<b>8</b>

\* voluntary agreement to attend court.

- (5) An average cannot be calculated because of the different nature of the penalties.

## Roads—traffic infringements (Question No 129)

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 February 2005:

- (1) How many traffic infringements were issued during the double demerit points period of 24 December 2004 to 3 January 2005 listed by (a) offence and (b) category;
- (2) How many demerit points were accrued by drivers on ACT Roads as a result of traffic infringements issued during this period;
- (3) How many random breath tests were conducted over this period and how many drivers exceeded the blood alcohol limit and were subsequently charged with a drink-driving offence.

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

- (1) The attached table shows the traffic infringements incurred by (a) offence and (b) category for the period 24 December 2004 and 3 January 2005.
- (2) There was a total of 4,726 demerit points accrued by drivers on ACT road during the above period.
- (3) There was 6,359 random breath tests conducted over this period and 23 drivers were charged with a drink-driving offence.

### Infringements Issued between 24/12/2004 and 03/01/2005

Infringement Type	Offence Code	Offence Description	Total Points	Offence Count
Camera Infringement	ARR001.01	Non-School Zone Exceed Speed Limit <= 15 Km/H	332	166
Camera Infringement	ARR001.02	Non-School Zone Exceed Speed Limit > 15 But <= 30 Km/H	48	8
Red Light Camera Infringement	ARR001.01	Non-School Zone Exceed Speed Limit <= 15 Km/H	2430	1215
Red Light Camera Infringement	ARR001.02	Non-School Zone Exceed Speed Limit > 15 But <= 30 Km/H	576	96
Red Light Camera Infringement	ARR001.03	Non-School Zone Exceed Speed Limit By > 30 But <= 45 Km/H	32	4
Red Light Camera Infringement	ARR008.11	Proceed When Traffic Light Red	80	20
Red Light Camera Infringement	ARR008.12	Proceed When Traffic Arrow Red	4	1
Traffic Infringement	ARR001.01	Non-School Zone Exceed Speed Limit <= 15 Km/H	124	62
Traffic Infringement	ARR001.02	Non-School Zone Exceed Speed Limit > 15 But <= 30 Km/H	618	103
Traffic Infringement	ARR001.03	Non-School Zone Exceed Speed Limit By > 30 But <= 45 Km/H	120	15
Traffic Infringement	ARR001.04	Non-School Zone Exceed Speed Limit By > 45 Km/H	72	6
Traffic Infringement	ARR008.01	Not Stop At Stop Line At Red Light-Other Than Toll Booth	16	4
Traffic Infringement	ARR008.07	Not Stop At Stop Line At Yellow Light	4	1
Traffic Infringement	ARR008.13	Proceed When Lights/Arrow Yellow/Red	4	1
Traffic Infringement	ARR009.07	Not Give Way At Intersection To Vehicle On Right	4	1
Traffic Infringement	ARR009.13	Not Give Way To Oncoming Vehicle (Right Turn)	4	1
Traffic Infringement	ARR010.05	Not Stop At Stop Line/Near Intersection (Intersection With No Lights)	4	1
Traffic Infringement	ARR010.08	Not Stop At/Before Stop Line/Stop Sign	28	7
Traffic Infringement	ARR013.08	Not Give Way To Pedestrian On Pedestrian Crossing	4	1
Traffic Infringement	ARR015.08	Drive Contrary To Direction Of Traffic Lane Arrow	0	2
Traffic Infringement	ARR015.18	Disobey No Entry Sign	0	3
Traffic Infringement	ARR021.01	Drive Behind Other Vehicle Too Closely To Stop Safely	2	1
Traffic Infringement	ARR023.04	Not Keep Left Of Dividing Line (Double Dividing Lines)	4	1
Traffic Infringement	ARR027.03	Move From Marked Lane To Another Across Continuous Line	0	1

Traffic Infringement	ARR031.07	Use/Allow Use Of High-Beam On Oncoming Vehicle	4	2
Traffic Infringement	ARR039.16	Rider Not Wear Bicycle Helmet/Fitted/Fastened	0	1
Traffic Infringement	ARR040.01	Seatbelt Not Adjusted/Fastened (Driver)	102	17
Traffic Infringement	ARR040.06	Not In Adjusted/Fastened/Restraint (Over 1 Yr But Under 16)	18	3
Traffic Infringement	ARR041.03	Part Of Body Outside Vehicle Window/Door (Driver)	0	1
Traffic Infringement	ARR042.01	Motorbike Rider No Helmet/Fitted/Adjusted	12	3
Traffic Infringement	ARR045.01	Not Give Particulars To Other Driver	0	1
Traffic Infringement	ARR046.01	Drive On Path	4	1
Traffic Infringement	ARR051.03	Drive Without Proper Control Of Vehicle	0	3
Traffic Infringement	ARR053.01	Drive Using Hand-Held Mobile Phone	28	7
Traffic Infringement	ARR054.01	Not Obey Direction Of Police/Authorised Person	4	1
Traffic Infringement	ARR055.01	Unlicensed Driver/Rider	0	21
Traffic Infringement	ARR057.01	Drive Vehicle While Right To Drive Suspended	0	13
Traffic Infringement	ARR059.01	Negligent Driving	24	6
Traffic Infringement	ARR061.03	Responsible Person For Vehicle/Trailer Not Take Reasonable Steps To Prevent Oil/Grease Dropping Onto Road	0	1
Traffic Infringement	ARR068.02	Use Unregistered/Suspended Vehicle	0	60
Traffic Infringement	ARR068.03	Use Uninsured Motor Vehicle	0	38
Traffic Infringement	ARR072.01	Not Produce Licence	0	5
Traffic Infringement	ARR074.07	Burnout	20	5
Traffic Infringement	ARR075.09	Unaccompanied Learner Driver	0	5
Traffic Infringement	ARR075.11	Passenger Not Take Precautions To Prevent Contravention By Learner Driver	0	1
Traffic Infringement	ARR076.04	Conditional Licence Holder Not Display P Plate As Required	0	22
Traffic Infringement	ARR077.07	Not Tell Authority In Writing About Change To Home Address/Address For Service As Required	0	1
Traffic Infringement	ARR077.12	Foreign Driver Licence Holder Drive Without Australian Driver Licence After 3 Months Permanent Visa	0	1
Traffic Infringement	ARR077.14	Learner Driver Not Display L Plates As Required	0	3
Traffic Infringement	ARR079.08	Use Vehicle Without Current Registration Label Attached	0	3
Traffic Infringement	ARR080.03	Use Vehicle Without Required Numberplates/Numberplate Attached	0	1
Traffic Infringement	ARR080.05	Use Vehicle With Illegible Numberplate	0	1
Traffic Infringement	ARR080.26	Acquirer Of Vehicle Not Give Transfer Of Registration Form With Duty Payable To Authority As Required	0	1
Traffic Infringement	ARR088.01	Drive Unsafely Maintained Vehicle	0	10
Traffic Infringement	ARR089.29	Driver/Operator Motor Vehicle Not Comply With Standard-Tyres	0	3
Traffic Infringement	ARR089.36	Driver/Operator Motor Vehicle Not Comply With Standard-Height/Ground Clearance	0	1
		<b>Totals</b>	<b>4726</b>	<b>1963</b>

### Public service—induction strategy (Question No 133)

**Mrs Burke** asked the Chief Minister, upon notice, on 16 February 2005:

- (1) Has a comprehensive workplace orientation and induction strategy for all new staff in ACT Government departments been released and distributed to new staff; if not, why not;
- (2) What are the principal focus points in the strategy that encompass supporting diversity in the workplace.

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

- (1) An ACT Public Service Learning and Development Framework has been developed in consultation with all agencies, and is being implemented by them.

This Framework recognises that effective learning includes a mixture of induction, vocational training and education, management and leadership development, career management and development activities.

The Framework is a key driver of learning and development activity within the ACT Public Service, and the implementation of the Framework within ACT Public Service agencies is supported by a legislative requirement for all agencies to report on their progress through their Annual Reports.

- (2) Chief Executives are responsible for Equity and Diversity planning and implementation of plans within their agencies.

Details of progress of each agency in implementing Equity and Diversity Plans can be found in Annual Reports, available on the websites of each agency.

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### **Burringiri Aboriginal Corporation—business plan (Question No 134)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 16 February 2005:

Has the Burringiri Aboriginal Corporation (a) completed a business plan and (b) gained access to the capital works budget of \$1.542 million set aside for future capital improvements via working in partnership with the ACT Government on future capital works programs to improve the Cultural Centre.

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

- (a) The development of a Burringiri business plan is underway and a final plan will be presented to the Burringiri board for consideration in the near future.
- (b) The terms of the contract between the ACT Government and Burringiri Aboriginal Corporation does not allow for access to capital works funds. However, Chief Minister's Department and Urban Services have been in consultation with Burringiri on the development of a 5 year capital refurbishment program.

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### **Housing—income limits (Question No 137)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

- (1) How often are reviews conducted of all ACT Housing tenants to ensure that where the assessable income of a household exceeds the prevailing income limit the tenant becomes ineligible for public rental housing assistance;
- (2) Is a tenancy agreement terminated if an ACT Housing tenant has a total housing income exceeding the prevailing income limit; if so, what is the process; if not, why not.
- (3) What steps are taken to assist a tenant to make alternative accommodation options;
- (4) How many ACT Housing tenants are currently in this situation.

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

- (1) Households where all members are on stable long-term incomes (such as a superannuation pension, Disability Support Pension or Age Pension) are reviewed annually, other rebated households are reviewed six monthly.
- (2) No. Housing ACT does not terminate Tenancy Agreements because of increased household income in accordance with the Government's commitment to security of tenure.
- (3) Housing ACT provides permanent secure and affordable housing. While an applicant household is awaiting allocation to public housing, Housing ACT may assist as follows:
  - a. provision of a bond loan;
  - b. referral to community housing providers; and
  - c. referral to emergency housing providers.
- (4) No Housing ACT tenants are having their tenancies terminated through increased household income.

### **Housing—tenants (Question No 138)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

How many tenants holding an ACT Housing tenancy agreement also receive Commonwealth unemployment benefits.

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

After careful consideration of the question, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

### **Disabled persons—resources (Question No 139)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

What progress has been made in the *Consumers in Control* project that would allow people with disabilities to have direct control over resources allocated to them by the Department of Disability, Housing and Community Services.

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

- The Department has made a commitment to give people an opportunity to investigate ways of self-managing their Individual Support Packages (ISPs). DACT has employed a Project Officer, since September 2004, to initiate a consumer-governed pilot in relation to self-management of ISPs.
- Recruitment of potential members of a self-managing group has occurred since July 2003. Membership currently stands at 10 Individual Support Package holders, and one independently funded person (insurance payout). This may change as members exercise their right to stay with or leave the project.
- On 12 February 2005 a pilot group of ISP holders, under the auspices of DACT, met to elect an interim management committee. The committee will progress a yet to be determined model, that will assist people with disabilities to employ their own support workers and administer their own funding. It is envisaged that this may result in a non-Government Organisation being formed.
- The interim Management Committee will remain in place until the first annual general meeting in August/September 2005, when a Board of Management will be elected and appointed. The interim Management Committee will assist with the many challenges faced in setting up an organisation. The next few months will see the Committee needing to draw on a wide range of business, public administration and disability sector skills.

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### **Housing—procurement procedures (Question No 140)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

What is the cost saving achieved by ACT Housing through implementing improved procurement procedures for acquiring new Housing ACT properties.

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

The new procurement processes announced in the Housing People Building Communities document released in September 2004 are for new single houses to be constructed. To date no arrangements have been made to construct any new houses as the necessary land is still to be sourced.

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### **Disabled persons—dual disability (Question No 141)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

- (1) Has the feasibility study on the intensive treatment and support initiative for people with a dual disability been released; if so, what were the outcomes;
- (2) Has the implementation phase of the project commenced; if not, why not.

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

The feasibility study has been completed and a series of recommendations are now being considered by the Minister prior to the release of the report.

Funding for the Intensive Treatment and Support Program was granted in the 2004-2005 budget and the implementation of that service model, due to commence later this year is underway.

### **Finance—community connection program (Question No 143)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

What are the details of the (a) current level of funding, (b) changes proposed during the term of this Assembly and (c) four organisations that run the community connection program.

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

a) Seven organisations currently receive funding under the Community Linkages Program to provide services:

Belconnen Community Service	15,352
Communities @ Work	5,100
Conflict Resolution Service	2,613
Northside Community Service	20,169
Southside Community Service	16,538
Woden Community Service	10,277
YWCA	28,829
<b>Total</b>	<b>\$98,878</b>

Tenant-Initiated activities **\$40,000**

b) The Community Linkages Program has recently been evaluated and the recommendations been used to guide the future directions of the program.

An open tender process is underway to engage community services to support public and community housing tenants to sustain their tenancies. The new service model will have a prevention of eviction program service each for North and South Canberra, where the previous model had four smaller services located throughout Canberra. A second tender will seek organisations to develop and manage four community development programs to work in the Belconnen/Gungahlin, North Canberra, Woden/Weston and Tuggeranong regions.

\$120,000 per annum has been quarantined for tenant-initiated activities from 1 July 2005.

The Conflict Resolution Service's mobile mediation service will not be continued from March 2005.

\$5,000 has been separately set aside for organisational support to tenants interested in establishing their own projects.

c) Detailed in part a).

### **Housing—property sales (Question No 144)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

- (1) How many properties did ACT Housing (a) sell or otherwise dispose of and (b) purchase or build in (i) 2003-04 and (ii) 2004-05 up to 28 January 2005;
- (2) What is the breakdown of disposals and increases in stock by region in the A.C.T.

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

- 1 i) 2003-04  
 a) 137  
 b) 264
- ii) 2004-05 (to 28 Jan 05)  
 a) 22  
 b) 26
- 2 i) 2003-04

	Inner North	Inner South	Woden	Weston Ck	Belc&Gung	Tuggeranong	Total
a)	41	18	5	4	42	27	<b>137</b>
b)	28	4	10	7	116	99	<b>264</b>

ii) 2004-05 (up to 28 January 2005)

	Inner North	Inner South	Woden	Weston Ck	Belc&Gung	Tuggeranong	Total
a)	8	4	0	0	6	4	<b>22</b>
b)	12	0	0	0	14	0	<b>26</b>

### **Housing—additional occupants (Question No 145)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

Does the Department of Disability, Housing and Community Services maintain a policy relating to approval/non-approval of additional occupants who reside with a person holding an ACT Housing tenancy agreement; if not, why not; if so, what are the principles underpinning the policy.

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

Housing ACT does not have a specific policy regarding approval/non-approval of additional occupants of Housing ACT properties. There is no provision in either the Residential Tenancies Act or the Housing Assistance Act that would allow Housing ACT to prevent households including whatever members it chooses.

Housing ACT does require the identification of additional household members for the purposes of calculating the amount of rental rebate entitlement for rebated households.

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### **Housing—flat complexes (Question No 146)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

- (1) Further to the response to question on notice No 35, to how many flat complexes across Canberra is the Community Guardian service provided;
- (2) In working with the AFP Crime Partnership Group within Housing complexes has this working relationship resulted in any (a) warnings, (b) evictions or (c) charges being laid against housing tenants or members of the public causing havoc at complexes;
- (3) What has the work with the AFP Crime Partnership Group achieved in terms of improving security and safety in public housing complexes.

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

- (1) The Community Guardian service is based at the Allawah, Bega/Currong Precinct, and also provides services at other public housing complexes along Ainslie Avenue.
  - (2) The AFP Partnership Crime Group has worked constructively to assist the work of police operations especially those under *Operation Halite*. Such police operations have led to charges being laid against residents and also visitors to the complexes, as well as general increases in resident awareness of safety measures and feelings of security due to increased police presence (which may have included police activities such as warnings, issuing of traffic infringement notices or simple cannabis offence notices) and the dissemination of crime prevention materials. It is not, however, possible to directly equate the work of the group with exact numbers of warnings, eviction or charges laid against housing tenants or people causing havoc at housing complexes, as a diverse range of information sources is used in addition to communication with the Group to determine the scope and types of police activity involving housing complexes.
  - (3) Operations initiated by the Partnership Crime Group and follow up crime prevention/ community policing activities have been positively received by tenants and private neighbours
- 

### **Housing—private agreements (Question No 147)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2005:

- (1) Is an applicant removed from the ACT Housing allocation list if they locate and enter a private tenancy agreement;
- (2) How does ACT Housing identify applicants who no longer require allocation of public housing.

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

- (1) No.
  - (2) Periodic review of the wait turn list.
- 

### **Roads—Gungahlin Drive Extension (Question No 151)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 February 2005:

- (1) What is the total expenditure in 2004-05 to date of the Gungahlin Drive Extension project, taking into account the added cost of delays as a result of the legal challenges mounted against the project;
- (2) How much has been expended to date on all contractors involved in the project including those whose work has been delayed due to ongoing legal challenges;
- (3) What is the Government's forecast completion date for this project if it is allowed to go ahead pending the outcome of legal challenges;
- (4) What is the Government's total forecast expenditure for this project over and above the \$70 million originally forecast.

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

- (1) The total expenditure on the Gungahlin Drive Extension project in 2004-05 to date has been \$6.3 million.
  - (2) The total expenditure to date to contractors is \$6.8 million.
  - (3) If legal challenges do not further delay the project the expected completion date is September 2007, weather permitting.
  - (4) The total cost of the project is the subject of discussion in the context of the 2005/06 budget process.
- 

### **Roads—Fairbairn Avenue (Question No 152)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 February 2005:

- (1) On what date did construction work commence on the Fairburn Avenue upgrade project;

- (2) Will this project meet the June 2005 forecast for completion; if not, when will the project be completed;
- (3) How much has been expended on this project in (a) 2003-04 and (b) 2004-05 to date;
- (4) How much is the project expected to have cost at forecast completion;
- (5) Will the cost of this project be under its forecast budget; if not, why not.

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

- (1) The Fairbairn Avenue upgrade construction works commenced in October 2004.
- (2) The project is expected to be completed in September 2005.
- (3) (a) \$41,059 was expended in 2003-04 and (b) \$3.6 million has been expended to date in 2004-05.
- (4) The project is expected to cost \$9.7 million.
- (5) No, the cost for this project will exceed the forecast budget as contained in the 2004/5 Budget papers. This project only attracted two tenderers when public tenders were called in February 2004 reflecting the heated nature of the construction industry at the time. Both tenders exceeded the available budget and additional funding authorisation was necessary prior to the contract being let in September 2004.

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**Police force—off duty speeding fines  
(Question No 154)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 16 February 2005:

- (1) Further to the response to question on notice No 23, how many police officers have been issued with or incurred Traffic Infringement Notices (TINs) while on duty in the financial years 2003-04 and 2004-05 to date;
- (2) If police officers incur or are issued with TINs while on duty, are they subject to any disciplinary action by the AFP; if so, what disciplinary action can be taken;
- (3) If an off-duty police officer is pulled over for a traffic offence are they required to disclose that they are a police officer to the officer issuing the TIN;
- (4) Are officers who issue TINs to off-duty officers required to report that they have issued a TIN to an off-duty officer;
- (5) Are police officers required to disclose to the AFP any TINs that they have been issued with while off duty;
- (6) If police officers are issued with TINs while off duty are they subject to any disciplinary action; if so, what disciplinary action can be taken;

- (7) If a police officer is issued with a TIN (either on or off duty) does that affect their AFP-specific driving qualifications;
- (8) Are police officers required to observe all traffic laws while (a) on and (b) off duty.

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

- (1) In the financial year 2003-2004 191 TINs were issued to police officers on duty, in the financial year 2004 2005 to date 83 TINs have been issued.
  - (2) TINs incurred by Australian Federal Police (AFP) vehicles are, in the first instance, forwarded to Traffic Representations who then identify the cost centre that the vehicle belongs to. The TIN is sent to the Coordinator of the cost centre requesting a report from the driver of the vehicle at the time. A covering report is then attached by that member's Team Leader or Coordinator and returned to Traffic Representations. Traffic Representations attach records of any prior TINs incurred by the member involved and then forward the paperwork to the TIN Exemption Board (comprising the Deputy Chief Police Officer, Traffic Superintendent and Prosecution and Judicial Support Superintendent) who then make a decision whether an exemption pursuant to rule 305 of the Australian Road Rules is supported. If an exemption is not supported the infringement is put into the individuals name and they retain the right (as any member of the public does) to write to Traffic Representations requesting withdrawal of the notice. AFP members are not given any special consideration by virtue of their position, however if they meet the criteria for withdrawal of the notice Traffic Representations have the authority to withdraw the notice and proceed with a caution for the incident.
  - (3) No
  - (4) No
  - (5) Under the AFP National Guideline on Reporting Obligations members are required to provide a written report to their office manager if they are served with a traffic infringement notice that attracts a penalty involving the loss of six or more demerit points.
  - (6) No. Unless the TIN attracted a penalty involving the loss of six or more demerit points and AFP Professional Standards determines the offence to be an integrity issue that requires further action.
  - (7) **Off duty** - no unless the TIN results in their licence being suspended for non-payment of the TIN or too many demerit points accrued on their licence in which case the matter must be reported to AFP Professional Standards.  
  
**On duty**- if the TIN Exemption Board decides not to grant an exemption based on the particulars of the incident they can direct the member be re-tested by a work place assessor who will re-assess their driving abilities and skills in the workplace.
  - (8) (a) Whilst on duty, only in special circumstances can an officer ignore the road rules if deemed necessary or appropriate by the member or police communications (in the case of a pursuit situation). In such circumstances officers are permitted to disobey road rules as long as they do so bearing in mind the requirements of Rule 305 of the Australian Road Rules.  
  
(b) Yes, whilst off duty AFP members are required to observe all ACT road rules.
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**Crime—Inner North  
(Question No 160)**

**Mr Smyth** asked the Minister for Police and Emergency Services, upon notice, on 16 February 2005:

- (1) Were there any reports of (a) suspicious activity, (b) attempted theft, (c) criminal damage, (d) car thefts or (e) car break-ins in the suburb of O'Connor on Australia Day this year;
- (2) If so, were these calls followed up by police and a car/officer dispatched to the area;
- (3) If there was/were reports and an officer was not dispatched, why was an officer not dispatched;
- (4) How many police were on patrol and/or available to attend call-outs in the Inner North area including Hackett, Watson, Lyneham, Ainslie, Dickson, Downer, O'Connor, Turner, Campbell, Braddon and Reid on Australia Day this year.

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

- (1) There were no offences of this nature reported in O'Connor on 26 January 2005. Four other types of offences were, however, reported at O'Connor (two traffic accidents, a disturbance and a burglary) as occurring on that day.
- (2) Police attended all four incidents.
- (3) Not applicable.
- (4) All ACT Policing patrols, including specialist teams, can be deployed across Canberra on a needs basis given the centralised despatch and priority system adopted by ACT Policing.

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**Environment and conservation—recycling  
(Question No 166)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 16 February 2005:

- (1) Further to 'Output Class 1.3: Waste and Recycling' in the Urban Services Portfolio December 2004 Quarterly Performance Report what were the targets and performance results in relation to the quantity of waste to landfill for (a) quantity and (b) cost;
- (2) What is the monthly breakdown of waste to landfill from July 2003 to December 2004;
- (3) Why is the ACT paying so much for green waste acceptance, processing and recycling services when it is carried out by private contractors;
- (4) Is there a government subsidy to private contractors in areas of green waste acceptance, processing and recycling services;
- (5) If there is a government subsidy, how much was this subsidy for (a) 2003-2004 and (b) 2004-2005 to date.

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

(1) The targets and performance results in relation to the quantity of waste to landfill:

		<b>2004/05 Target</b>	<b>December 2004 Result</b>
<b>Quantity</b>	Tonnes of waste to landfill	200,000	101,486
<b>Cost</b>	Processing of Waste	\$2,659,273	\$1,260,857

(2) The monthly breakdown of waste to landfill from July 2003 to December 2004 is

<b>Month</b>	<b>Tonnes</b>	<b>Month</b>	<b>Tonnes</b>	<b>Month</b>	<b>Tonnes</b>
July 2003	16,121	January 2004	18,325	July 2004	15,510
August 2003	15,231	February 2004	16,337	August 2004	15,636
September 2003	17,502	March 2004	18,416	September 2004	17,022
October 2003	19,485	April 2004	16,888	October 2004	16,716
November 2003	18,145	May 2004	15,962	November 2004	17,885
December 2003	20,272	June 2004	15,707	December 2004	18,718

(3) These services are provided under contract to the ACT Government in the same way as the Government pays contractors to provide the kerbside waste and recycling services. Other Councils charge ratepayers to drop off garden waste - the ACT Government is paying the operators to keep these services "free" to residents so that the maximum amount of material is recovered. Garden waste recycling costs the Canberra community less than \$5 per tone compared to an average \$15 to \$25 per tonne in other areas.

(4) No

(5) N/a

### **Roads—speeding infringements (Question No 167)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 16 February 2005:

- (1) How many mobile speed camera vans are there currently in operation in the ACT;
- (2) How many speeding tickets have been incorrectly or invalidly issued by the mobile speed camera vans in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date.
- (3) If any speeding tickets have been incorrectly or invalidly issued, why did this occur;
- (4) How many speeding infringements issued by mobile speed camera vans have been referred to the Magistrate's Court in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (5) How many infringements considered by the Magistrates Court were set aside or determined to be invalid in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005.

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

- (1) There is a fleet of six (6) speed camera vans within the Traffic Camera Office which are used 'on road' on a rotational basis. There are no more than four (4) vans in operation at any one time.
  - (2) The number of invalid or incorrectly issued infringements for
    - (a) 2002/03 was 23
    - (b) 2003/04 was 520
    - (c) 2004/05 is 5 to date
  - (3) The reasons for invalid or incorrectly issued infringements include incorrect recording of registration number and incorrect description of vehicle. Also, during 2003-2004, the introduction of Y plated registration in NSW caused significant problems with the automated data collation between Rego.act and the national registration database. This issue has since been resolved.
  - (4)
    - (a) In 2002-2003, 224 infringements were referred to the Magistrates Court. Of these 99 were paid before the matter was heard.
    - (b) In 2003-2004, 162 infringements were referred to the Magistrates Court. Of these 68 were paid before the matter was heard.
    - (c) In 2004-2005 to date, 116 infringements have been referred to the Magistrates Court. Of these 68 were paid before the matter was heard.
  - (5) The Department of Urban Services does not have a record of this information.
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### **Prisons and prisoners—expenditure (Question No 169)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 16 February 2005:

How much does the Government currently intend to spend on the ACT Prison project for the periods (a) 2004-2005, (b) 2005-2006 and (c) 2006-2007.

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

The 2004-05 budget included \$110M for the Prison Project which is scheduled to be expended over the next three years.

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### **Housing—fixed term tenancies (Question No 175)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

Does ACT Housing have a policy on fixed term tenancies for applicants who are homeless but ineligible for public housing; if so, (a) what are the principles of the policy, (b) how is it being implemented and (c) how many cases is ACT Housing currently addressing.

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

Housing ACT does not enter into fixed term tenancies for applicants who are homeless but ineligible for public housing.

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**Housing—wheelchair access  
(Question No 176)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

What percentage of all new ACT Housing property acquisitions are deemed adaptable so the dwelling can easily undergo conversion at a minimal cost so they are suitable for tenants with mobility difficulties or who use wheelchairs.

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

There is no set target or percentage of social housing acquisitions which are adaptable or accessible.

However more than 10% of public housing properties are older persons' housing which at the time of construction were deemed suitable for conversion to meet the needs of tenants with mobility difficulties.

The Government is in the process of delivering 200 accessible units for older persons and others with reduced mobility and 86 of these new properties will be acquired in the 2004-05 financial year.

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**Crime—flat complexes  
(Question No 177)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) Where has the funding for the Crime Prevention Through Environmental Design (CPTED) program for ACT Housing multi-unit complexes been allocated from;
- (2) What are the criteria used to conduct an audit of all ACT Housing multi-unit housing complexes for the CPTED program.

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

- (1) Housing ACT Capital Program.
  - (2) CPTED principles as outlined in the ACT Crime Prevention and Urban Design Resource Manual [Urban Services 2000] are applied to crime prevention audits conducted at Housing ACT multi unit sites.
-

**Development—City West  
(Question No 178)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) How many properties will the Government incorporate into the City West Master Plan offering residential accommodation for low to medium income earners;
- (2) Which affordable housing providers are being considered to manage these properties.

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

- (1) The Government's commitment to providing affordable housing in the City West area is detailed in the *City West Master Plan*, issued by the ACT Planning and Land Authority in May 2004.
  - (2) The mechanism for implementing the Government's commitment to affordable housing in the City West area is being developed.
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**Crime—public housing  
(Question No 179)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) Is a plan underway to develop a subsidy program for security hardware, for example security cameras, to households within the ACT living in areas at risk of higher crime levels;
- (2) What are the outcomes of any research conducted into victimisation of public housing and low-cost housing tenants in the ACT.

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

- (1) See Objective 4 of the ACT Property Crime Reduction Strategy 2004-2007.
  - (2) Research will be undertaken in conjunction with the Department of Justice and Community Safety.
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**Disabled persons—family members  
(Question No 182)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) What progress is being made in the implementation of the Family Governed Pilot Project that aims to increase the control that families have over services allocated to family members with a disability;

- (2) What responsibilities would the Department of Disability, Housing and Community Services hold in relation to the delivery of the project objectives as this project was developed in conjunction with Sharing Places Inc.

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

(1) *Progress*

The following progress has been made in relation to the implementation of the pilot project:

- Project specifications were agreed by all parties including DACT, Sharing Places and eight participating families.
- A consultant has been engaged to work with the families and Sharing Places to facilitate this project.
- Assisted by the facilitator, the families have:
  - i. Explored governance models;
  - ii. Met with best practice family governance practitioners from Melbourne and Queensland; and
  - iii. Commenced individual futures planning using the planning alternative tomorrow's with hope (PATH) planning tool.
- The facilitator has provided Disability ACT with an interim report detailing actions against the first four stages of the Implementation plan.
- The families intend to provide Disability ACT with a proposed transition plan by mid 2005. The Transition plan will detail the next stage of the project including details of each family's goals, and the governance model that will support them.

(2) *Disability Housing and Community Services responsibilities.*

Having developed the project specifications Disability ACT's responsibilities now largely relate to monitoring and evaluating the project as implementation occurs. Specifically Disability ACT's responsibilities are to:

- Support the project through good project management;
- Monitor and evaluate the pilot project;
- Fund the facilitation of the project; items that assist the families to plan and develop their ideas; and
- Develop and vary Service Agreements as agreed with the Families and Sharing Places.

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**Housing—single people  
(Question No 183)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

Is the Government considering extending the Boarding House Program to include construction of additional boarding house facilities elsewhere in the ACT for single people on low incomes based on the apparent success of the Program's three boarding houses in the ACT; if so, what locations are being considered; if not, why not, given that the ACT Poverty Task Group and the ACT Homelessness Strategy identifies people on low incomes as a priority group.

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

Gungahlin Boarding House is currently under construction and is due for completion in July 2005. It will provide low cost accommodation for 20 men and women in individual units.

The government is committed to the establishment of low cost boarding house/hostel accommodation for up to 30 Aboriginal and Torres Strait Islander people.

\$3.2 million capital funding has been identified through the 2003-04 third budget appropriation for this purpose.

Consultation with the Aboriginal and Torres Strait Islander community has commenced, which will identify the exact nature of this service including the size and number of properties required. The location of these properties will be determined in response to identified community need.

### **Housing—tenants (Question No 184)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) What action is taken under the Residential Tenancies Act if an individual holding a tenancy agreement commits an illegal act;
- (2) What are the provisions of the Community Guardian Service and under what circumstances would this service be activated in relation to illegal activity in and around ACT Housing multi-unit complexes.

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

- (1) The legislation governing residential tenancies in the ACT restricts the circumstances where a landlord can seek an eviction for an illegal act to the following circumstances:
  - (a) where the property is being used for an illegal purpose; or
  - (b) where the tenant threatens the landlord or the agent of the landlord

I am unable to comment on how other landlords might respond to illegal acts that are covered by the Residential Tenancies Act, but Housing ACT considers each case on the specific facts, particularly the nature of the conviction, other tenants and residents of the property and the capacity of the tenant to sustain their tenancy. It is important to note that in line with the legislation, Housing ACT awaits the decision of the justice system on whether a criminal act has occurred.

- (2) The Community Guardian Service is a specific arrangement for three large flat complexes in the Inner North of Canberra. It operates 24 hours a day, seven days a week. While the security staff undertake standard security patrols, they also offer support and assistance to tenants on the sites. On occasion, Housing ACT will require the security staff to expand their patrols to address concerns in nearby public housing properties.

Security staff are not law enforcement officers and so attempt to resolve any issues that may arise, in terms of asking people who are not tenants and are causing a disturbance to leave the site, reminding tenants, residents and visitors of their obligations, reporting lighting failures, damage, vandalism, squatters and the like to Housing ACT for remedial action and reporting illegal activity to ACT Policing.

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### **Housing—security of tenure (Question No 185)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) What progress has been made by the Government, if any, to review its policy of guaranteeing security of tenure for public housing tenants who are (a) paying full market rent and (b) in receipt of a rental rebate;
- (2) What were the outcomes of the review conducted in 2004 by the Steering Committee that included staff from the Departments of Disability, Housing and Community Services, Treasury and the Chief Minister in consultation with the Housing Advisory Committee.

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

- (1) This Government completed its review of security of tenure for both tenants paying full market rent and tenants receiving a rental rebate in its previous term. The outcome of the review was to remove the requirement for Housing ACT to review continued eligibility for tenants. This was announced in Mr Wood's Media Release H15/02 of 10 December 2002.
- (2) The report on the Review of Housing ACT Market Renters was tabled in the Legislative Assembly on 26 August 2004.

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### **Charities—fundraising (Question No 188)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 17 February 2005:

- (1) Are registered charities, such as the Red Cross and the Salvation Army, required to pay any charges for the use of Garema Place and other public areas in the ACT for the purposes of fundraising;
- (2) If so, what are the applicable charges and under what circumstances are they required to pay those charges;

- (3) Do the costs associated with the use of Garema Place and other public areas in the ACT differ depending on (a) location and (b) users, for example charity groups as opposed to non-charity users; if so, please outline those charges;
- (4) If charges are applicable to charities, can these costs be reimbursed by the ACT Government; if so, how; if not, why not.

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

- (1) No charges are required to be paid by registered charities to use a public place for the purpose of fundraising under the *Charitable Collections Act (2003)* or the *Roads and Public Places Act (1937)*. Any person, including a charity, must obtain a permit to use a public place under the *Roads and Public Places Act (1937)*, but these are free.
- (2) Cost-recovery based fees are charged for gated access to certain public places and for the use of electricity. Any person, including a charity, is required to pay these fees.

Fees for gated access and electricity connections are as follows:

- Recovery costs for opening a gate \$24.50
- Recovery cost for opening a power box \$24.50
- Access to Electricity outlets in Garema Place, Petrie Plaza, and City Walk \$10.20

- (3) These fees do not vary depending on location, or whether or not the user is a charity.
- (4) The government has no policy of reimbursing gate access or electricity fees to persons or organisations claiming to be charities.

**Public service—senior executive service  
(Question No 192)**

**Mr Smyth** asked the Chief Minister, upon notice, on 17 February 2005:

- (1) Further to the reply to question on notice No 1, how many levels of senior executive service (SES) officers are there in the ACT Public Service;
- (2) What is the remuneration for each level of SES officer;
- (3) How many short-term contracts at SES level are currently in place and are these figures in addition to the figures provided as part of the response to question on notice No 1.

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

- (1) There are 12 Executive levels in the ACT Public Service.
- (2) Remuneration for each level is as follows:

Level	Total Remuneration Package	Cash Component
1.1	\$140,905	\$102,504
1.2	\$153,315	\$113,203
1.3	\$165,725	\$123,901

2.4	\$186,326	\$141,229
2.5	\$198,736	\$151,928
2.6	\$228,144	\$177,279
3.7	\$237,398	\$183,964
3.8	\$249,743	\$194,606
3.9	\$262,151	\$205,303
3.10	\$274,563	\$216,003
3.11	\$288,457	\$227,980
3.12	\$309,366	\$246,005

- (3) At 21 February 2005 there were 44 short-term Executive contracts in place. There were 16 non-Executives acting in Executive positions and 28 Executives acting in other Executive positions.

The figures provided in question on notice No 1 included all short-term contracts.

### **Community engagement code of practice (Question No 196)**

**Mr Smyth** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 February 2005:

- (1) Further to the response to question on notice No 38 (*Hansard*, 9 December 2004, page 340) in which the Minister stated that the completion date of the Community Engagement Code of Practice will not be until the end of this financial year, what are the reasons for the delay in the (a) preparation and (b) release of the Code of Practice which was scheduled for completed in July August 2004;
- (2) What benefits will the community see from the lengthy preparation of this document;
- (3) What is the total cost involved in preparing this document.

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

- (1) a) The expansion of the Community Engagement Initiative from one product to four products:
  - Community Engagement Manual (formerly the Community Engagement Code of Practice)
  - Community Engagement Service Charter
  - Community Engagement Website and Intranet
  - Community Engagement Training Program.
- b) See (a)
- (2) The comprehensive package of measures aims to reflect a change to the prevailing culture to one in which:
  - There is a greater sense of collaborative partnership;
  - Government agencies focus on quality rather than quantity in their engagement activities with the community;

- There is greater participation by departmental staff; and
- More selective use of consultants.

(3) \$522,500 has been committed over four years for the development, implementation and review of the *Community Engagement Initiative* under the *Building a Stronger Community* Flagship of the *Canberra Social Plan*.

### **Insurance—pines (Question No 198)**

**Dr Foskey** asked the Minister for Environment, upon notice, on 17 February 2005:

- (1) Will the Minister provide a copy of the insurance policy between the ACT Government, or its relevant agency/signatory to the contract, and its insurer for the pine plantations;
- (2) If not, will the Minister advise if the insurance policy does specify the replanting of all, or a percentage of, softwood pines on the burnt areas in order to receive the full insurance payment;
- (3) Has the Government completed a comparative cost benefit analysis of replanting pines against planting native woodland in the water catchments of Cotter, Molonglo and upper Murrumbidgee Rivers if the insurance policy does not specifically identify that pines be replanted.

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

- (1) A copy of the policy can be made available, however, the policy expired on 30 June 2003.
- (2) The settlement of the claim relating to the January 2003 bushfires occurred in March 2004. It allows the Government discretion on the use of the funds.
- (3) A comprehensive business case on the re-establishment of ACT Forests was independently compiled in the wake of the 2003 bushfires. The report, "ACT Forests – Reforestation Review", was prepared by JAAKO POYRO Consulting in association with ANU, CSIRO and the University of Notre Dame Australia.

The business case was considered and analysed during the development of the Non-Urban Landuse Study. During this process, the assumptions and findings contained the business case were rigorously reviewed by ACIL Tasman Consulting and subsequently incorporated into the final version of the recommendations in the Non-Urban Landuse report.

### **Roads—parking facilities (Question No 204)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 17 February 2005:

- (1) How much revenue has been raised from pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong in each month since January 2004;

- (2) How much revenue has been raised from parking fines issued in Government-owned carparks in (a) Belconnen and (b) Tuggeranong in each month since the introduction of pay parking in January 2004;
- (3) How often have pay parking ticket machines in Government-owned carparks been out of use since their installation since the introduction of pay parking in these carparks in (a) Belconnen and (b) Tuggeranong in January 2004;
- (4) How long, on average, are pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong out of use before being (i) attended to and (ii) repaired by Urban Services;
- (5) What has been the total cost of repairs made to pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong in (a) 2003-2004 and (b) 2004-2005;
- (6) What is the procedure taken in determining whether to issue parking fines when pay parking ticket machines in Government-owned carparks are out of order;
- (7) Is it policy to issue parking fines when pay parking ticket machines in Government-owned carparks are out of order;
- (8) If parking fines have been issued when pay parking ticket machines in government-owned carparks are out of order, how many have been issued.

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

- (1) Revenue received from ticket machines in Government car parks in:

- a) Belconnen from 19 January 2004 to January 2005

January 04	\$ 29,902.45
February 04	\$106,172.30
March 04	\$122,442.05
April 04	\$116,838.35
May 04	\$120,289.65
June 04	\$119,033.65
July 04	\$114,984.75
August 04	\$110,525.13
September 04	\$109,787.70
October 04	\$102,433.45
November 04	\$112,428.95
December 04	\$133,227.35
January 05	\$ 99,547.00
TOTAL	\$1,397,612.78

- b) Tuggeranong from 1 March 2004 to January 2005

March 04	\$67,377.40
April 04	\$63,402.90
May 04	\$62,314.90
June 04	\$63,075.90
July 04	\$61,215.00

August 04	\$59,521.65
September 04	\$55,908.65
October 04	\$48,602.60
November 04	\$55,373.40
December 04	\$61,154.90
January 05	\$40,656.65
TOTAL	\$638,603.95

(2) The value of infringements issued in:

- (a) Belconnen Town Centre in the period 19 January 2004 to 31 January 2005 was \$934,067; and
- (b) Tuggeranong Town Centre in the period 1 March 2004 to 31 January 2005 was \$594,403.

It is not possible to distinguish between infringements issued in Government and non-government car parks. Parking Operations is in the process of procuring new hand held terminals and associated software. The new equipment will provide an enhanced reporting capacity.

- (3) On average the ticket machines in Belconnen and Tuggeranong require servicing, including replacement of paper, once every three weeks. Ticket machines that suffer standard faults (coin jams, ticket jams, foreign objects) are out of order for no more than one (1) hour. All major faults (such as severe vandalism) suffered by ticket machines since January 2004 have been rectified within 24 hours.
- (4) On average Parking Operations attends to 95% of all complaints within 60 minutes. It is estimated that 95% of repairs are completed with 10 minutes. All major faults are repaired within 24 hours.
- (5) The estimated cost of maintaining ticket machines since introduction to 31 January 2005 was:
  - a) Belconnen \$133,000
  - b) Tuggeranong \$61,400
- (6) Most ticket areas have a number of ticket machines. If one machine is out of order, the car park can still function adequately. Where a significant number of ticket machines in a car park are out of order, time limits will apply. The car park is then managed and enforced accordingly.
- (7) Yes. Infringements are issued for a range of offences, however they should not be issued for any voucher related offences.
- (8) No statistics exist on this matter.

### **Emergency services—road rules (Question No 205)**

**Mrs Dunne** asked the Minister for Environment, upon notice, on 17 February 2005:

- (1) Have fire-fighting personnel with (a) ACT Forests and (b) Parks Brigade at any time been given a directive not to respond to reports of bushfire incidents, that is to say, to engage in Urgent Duty Driving for example driving in a manner where the road rules may be broken where reasonable to do so;
- (2) If such a directive has been issued, (a) on what basis was it issued, given that fire-fighting personnel from these brigades have in the past responded to fires, (b) on what date will fire-fighting personnel be again able to respond to bushfire incidents and (c) what interim measures have been adopted to ensure that fire-fighting personnel can respond immediately;
- (3) Have fire-fighting personnel received any training, instruction or tuition on procedures or requirements when responding to emergency incidents;
- (4) Is there a national recognised training standard for responding to emergency incidents;
- (5) Has the Emergency Services Authority received any legal advice relating to the legalities of emergency services personnel responding to fires; if so, what did it say;
- (6) Have there been any instances where fire-fighting personnel from the Parks or Forestry brigades have been directed to respond to a report of a bushfire on a day of orange or red bushfire readiness, and the fire-fighting personnel only proceeded to the report of fire without breaking the road-rules where reasonable to do so.

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

- (1) Staff forming the Parks and ACT Forests Brigades have been instructed to comply with speed limits and traffic lights while travelling to bushfires. Where appropriate, trained and competent personnel may use lights and sirens to negotiate traffic and impediments.
- (2) (a) Environment ACT and the Department of Urban Services provide fire fighters to the ACT Rural Fire Service under a Memorandum of Understanding. While involved in bushfire control operations, these personnel are under the command and control of the rural fire service but they remain employees of these agencies, and government land managers maintain a duty of care for their employees. It is important to ensure that personnel undertaking fire fighting duties including urgent duty driving, are appropriately trained and work in accordance with safe work practice. This includes understanding and accounting for the limitation of fire fighting vehicles designed for off-road situations, and having the skills and correct mental attitude to undertake urgent duty driving. Training and assessments are being undertaken to ensure that personnel responding to rural fires meet these requirements, and those of the ACT Rural Fire Service. Land Managers are working closely with the ACT Rural Fire Service to refine existing training and operational procedures.  
  
(b) Six EACT staff attended urgent duty driving training and passed the assessment on 21 and 22 February 2005. A further twelve EACT staff will undertake this training and assessment in the next few weeks. These staff will respond to bush fires according to the Standard Operating Procedure, which is currently being reviewed by the Rural Fire Service with input from government land managers.  
  
(c) Parks and ACT Forests Brigade staff have been responding to Emergency Services Authority directions to attend bush fires immediately and within the road regulations.

- (3) All Parks and ACT Forests Brigades fire fighting staff are familiar with the Standard Operating Procedure (SOP) covering urgent duty driving issued by the Emergency Services Authority. This SOP is currently being reviewed.
- (4) No. Several emergency authorities and registered training organisations offer training in driving under operational conditions and risk perception and management to ensure that personnel have appropriate skills, knowledge, competencies and attitude to undertake these activities.
- (5) To be answered by the Minister for Police and Emergency Services.
- (6) Yes, on one occasion the Parks Brigade were asked to respond to a fire on Namatjira Drive. Upon arrival the unit were informed they were not required.

### **Emergency services—road rules (Question No 206)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 17 February 2005:

- (1) Have fire-fighting personnel with (a) ACT Forests and (b) Parks Brigade at any time been given a directive not to respond to reports of bushfire incidents, that is to say, to engage in Urgent Duty Driving for example driving in a manner where the road rules may be broken where reasonable to do so;
- (2) If such a directive has been issued, (a) on what basis was it issued, given that fire-fighting personnel from these brigades have in the past responded to fires, (b) on what date will fire-fighting personnel be again able to respond to bushfire incidents and (c) what interim measures have been adopted to ensure that fire-fighting personnel can respond immediately;
- (3) Have fire-fighting personnel received any training, instruction or tuition on procedures or requirements when responding to emergency incidents;
- (4) Is there a national recognised training standard for responding to emergency incidents;
- (5) Has the Emergency Services Authority received any legal advice relating to the legalities of emergency services personnel responding to fires; if so, what did it say;
- (6) Have there been any instances where fire-fighting personnel from the Parks or Forestry brigades have been directed to respond to a report of a bushfire on a day of orange or red bushfire readiness, and the fire-fighting personnel only proceeded to the report of fire without breaking the road-rules where reasonable to do so.

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

- (1) The ACT Forests and Parks Brigades have been instructed by their Agency employers to comply with speed limits, traffic lights and road signs while travelling to rural fires. Where appropriate, trained and competent personnel may use light and sirens to negotiate traffic and impediments.
- (2) A) The Department of Urban Services and Environment ACT provide firefighters to the ACT Rural Fire Service under a Memorandum of Understanding. While involved in

bushfire control operations, these personnel are under the command and control of the rural fire service, but they remain employees of these agencies, and government land managers maintain a duty of care for their employees. It is important to ensure that personnel undertaking fire-fighting duties including Urgent Duty Driving (UDD), are appropriately trained and work in accordance with safe work practice. This includes understanding and accounting for the limitation of fire-fighting vehicles designed for off-road situations, and having the skills and correct mental attitude to undertake UDD. Training and assessments undertaken are being undertaken to ensure that personnel responding to rural fires meet these requirements, and those of the ACT Rural Fire Service (ACT RFS). Land Managers are working closely with the ACT RFS to refine existing training and operational procedures;

B) Personnel with requisite skills and attitude necessary to undertake UDD will be permitted to respond to bushfires in accordance with the ACT RFS Standard Operating Procedure being developed for this activity;

C) Parks and Forests Brigade personnel can proceed immediately to bushfires on request from ComCen. It is worth noting the land management personnel are on a bushfire roster that enables them to respond immediately when requested to do so during duty periods;

- (3) Selected land management personnel with appropriate experience are currently undertaking formal training and assessment so that they can safely work in accordance with the ACT RFS Standard Operating Procedure (SOP) covering UDD. The SOP is currently being reviewed by the ACT RFS with input from land managers.
- (4) No, but several emergency authorities and registered training organisations offer training in driving under operational conditions and risk perception and management to ensure that personnel have appropriate skills, knowledge, competencies and attitude to undertake these activities.
- (5) For ESA to respond;
- (6) No, not in the 2004-05 Bushfire Season.

### **Development—dual occupancies (Question No 211)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 17 February 2005:

- (1) Further to the reply to question on notice No 63, how is it possible that in 2002-03 there were 97 applications lodged for dual occupancy but 120 dual occupancies approved;
- (2) Are the figures provided in the reply to question on notice No 63 correct; if so, how can there be more approvals than there are development applications.

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

- (1) The figures for the number of applications **lodged** in a year will almost always be different to the number of applications **approved** in a year. Because of the significant fluctuations in lodgement of DAs month to month it is not unusual for the number of applications received in a year to vary from the number of applications approved in a year. **Example:** A number of the dual occupancies applications **approved** in the 2002/03 financial year could have been **lodged** in the 2001/02 financial year.

(2) Yes. Refer to (1)

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**Land Development Authority—advertising budget  
(Question No 213)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 17 February 2005:

- (1) What is the annual advertising budget for the Land Development Authority for 2004-05;
- (2) What is the advertising budget for (a) Ginninderra Ridge and (b) Wells Station in total and for (i) television, (ii) print, (iii) radio and (iv) other advertising forms.

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

- (1) The Land Development Agency's (LDA) advertising budget for 2004-05 is \$2.041m. The amount of advertising for LDA represents 1.5% of sales revenue.
  - (2) (a) The 2004-05 advertising budget for Ginninderra Ridge is \$516,285 which represents 1.5% of sales revenue. The advertising budget cannot be broken down into television, print and radio as this will vary throughout the year and change to suit the market at the time.  
  
(b) The 2004-05 advertising budget for Wells Station is \$975,000 which represents 1.5% of sales revenue. The advertising budget cannot be broken down into television, print and radio as this will vary throughout the year and change to suit the market at the time.
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