



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

7 APRIL

2005

Thursday, 7 April 2005

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Thursday, 7 April 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.

**Privilege
Statement by Speaker**

MR SPEAKER: Members, late yesterday Mrs Dunne gave written notice of a possible breach of privilege concerning certain actions of Mr Corbell and Dr Foskey. Mrs Dunne queried whether Mr Corbell had offered Dr Foskey a position on the proposed select committee on estimates in return for her vote to secure a government chair on the committee; and, if this was the case, there was therefore a matter of privilege. Mrs Dunne also provided me with a record of conversation between herself and Dr Foskey. I present the following paper for the information of members:

Alleged breach of privilege—Letter from Mrs Dunne to the Speaker, dated 6 April 2005.

Under the provisions of standing order 71, I must determine, as soon as practicable, whether the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice and forthwith refer the matter to a select committee appointed by the Assembly for that purpose.

If, in my opinion, the matter does not merit precedence, I must inform the member in writing and may also inform the Assembly of the decision. I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence.

In my opinion, I have to distinguish between what is part of the cut and thrust of political life in a parliament, where it would be expected that pressures would be brought to bear on a whole range of decisions, and, on the other hand, ensure that members are not improperly influenced in the way they perform their duties, in coming to a decision on whether this matter warrants privilege or not.

Having considered the matter, I have concluded that the matter does not merit precedence. Whilst my decisions are always subject to decisions of this Assembly, that is my decision in relation to this matter. I will write to Mrs Dunne today to inform her formally of my decision.

Mrs Dunne: Mr Speaker, I seek leave to move a motion concerning your decision not to give precedence to the matter raised by me.

Leave not granted.

Suspension of standing orders

MRS DUNNE (Ginninderra) (10.34): I move:

That so much of the standing orders be suspended as would prevent Mrs Dunne moving that the decision of the Speaker not to give precedence to the matter of privilege be disagreed with.

Very important issues for this Assembly have occurred over the last couple of days, issues which go to the heart of how the ACT is governed by this Assembly. The issues raised in my correspondence with you, Mr Speaker, are very important; I think they warrant discussion. The decisions you have made—and you will note that I am not moving dissent from your ruling; you have not made a ruling—need to be aired in this place. The fact that, again, the government hide behind the granting of leave to prevent anything that is inconvenient for them to hear is typical and to be expected, but the matters raised are important. They are about matters of corruption which, if proved, in some places would warrant—

MR SPEAKER: Order! If you want to proceed against members on such a very deep and meaningful matter so far as parliaments are concerned, you ought to do it by way of a substantive motion, rather than imputing such improper motives. I order you to withdraw that.

MRS DUNNE: I will withdraw. This is at the whole heart of it. What has arisen in the last few days goes to the very heart of whether people in this place deal properly with their colleagues in a moral and incorrupt way.

Mr Corbell: Mr Speaker, I wish to raise a point of order.

MR SPEAKER: Order! I have ordered you to withdraw that and not impute such improper motives. That is another imputation. That is your last warning, Mrs Dunne.

MRS DUNNE: I withdraw. The matters raised here are of the highest importance. They need to be aired in the Assembly, not just in correspondence between you and me, Mr Speaker. I initiated action yesterday on the basis of both advice I received and my own consultation with the precedents of this place and other parliaments.

The matters raised need to be aired. If they have nothing to hide, the ministers and members concerned should not be afraid of the scrutiny of this Assembly. They have been elected to high office. When that occurs they sign up for public scrutiny of their actions.

The actions of some people here cause me to doubt whether people have acted appropriately. On consultation with my colleagues and with people who understand the forms of the house, those concerns were confirmed sufficiently in my mind that I felt it necessary to raise them with you. The idea that any discussion of this matter would be closed down by the Assembly is just another example of the rorts that are dealt out by this government. The restricting of sitting times, the constant applying of gags to debate, the stacking of committees, the rorting of the estimates committees, the closing down of the coroner's—

Mr Corbell: Mr Speaker, once more I rise to a point of order. Again, Mrs Dunne suggests that there is some sort of rorting or corrupt behaviour occurring. You have

warned her for the final time in relation to this matter. I ask you to take the appropriate action.

MR SPEAKER: Withdraw the reference to rotting.

MRS DUNNE: I withdraw the reference to rorts, Mr Speaker. The sensitivity of the Manager of Government Business on this matter is interesting because it seems to me that there is something he has to hide. He is so quick to his feet on every occasion, and quick to decline to give leave on important matters. That we have to spend time, rather than debating issues, debating whether we can debate the issues is a constant symbol of what the Manager of Government Business does. He seems to have something to hide. He feels the need to protect his people from simple scrutiny by the people of the ACT.

That is why we need to suspend standing orders. That is why we need to move a motion in relation to the decision you have made. These are important matters for the territory, for the way the territory is governed, for the confidence in the parliament and the parliamentary process. We need to suspend standing orders today so that these matters may be aired.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (10.39): This is an absurd and preposterous waste of the Assembly's time. There is no other way to put it. We had Mrs Dunne flounce into this place this morning and make quite improperly—and you required her to withdraw—a whole range of completely false accusations against a number of members of this place.

What Mrs Dunne is saying is that she is unhappy with your decision not to give precedence to a potential breach of privilege which she believes has occurred and which she has raised with you. She now wishes to move a motion in this place this morning, presumably—she has not done us the courtesy of allowing us to see the motion—to refer the matter to a committee of inquiry.

There is no justification for such an action this morning—none whatsoever. Is Mrs Dunne seriously suggesting that members of this place will not have discussions about who makes up the composition of committees and who chairs them? Is she seriously suggesting that that is a matter of privilege? What an absurd suggestion!

In fact, if we were to go so far as to suggest that it was a breach of privilege, then I would tell you who the number one perpetrator would be. It would be the Manager of Opposition Business and former senior adviser to a minister in this place who was involved in all manner of discussions, both in her time as a member and in her time as a staff member to a member, on who would make up the composition of particular committees and who would chair them. What an absurd suggestion it is indeed!

That just shows how desperate the Liberal Party is to try to blacken the names of members of this place through means proper or improper. This is an abuse of the provisions of privilege in this Assembly; it is an abuse of the process that is open to members when serious and grave matters are raised as to whether a member has been improperly influenced in the course of their responsibilities. It is nothing more than a blatant and, I would suggest, base political tactic.

There is no justification whatsoever for referring this matter to a privileges committee, which is the outcome that Mrs Dunne is seeking from her request to suspend standing orders to move a motion. It is, in my mind, simply an indication of the desperation of the Liberal opposition in this place that they will do anything at all to try to blacken the names of other members of this place.

It is completely appropriate that members of this place have discussions about how they conduct themselves and what their views are on the composition of committees. If you were to take Mrs Dunne's absurd interpretation, it would mean that none of us could ever have any discussion with anyone about the membership of an Assembly committee. What an absurd suggestion!

That is why members of the government are not supporting the suspension of standing orders this morning—not because we are not interested in scrutiny and not because we are not interested in oversight of our actions, but because the proposition is absurd and preposterous. We do not have time to waste the Assembly's time on absurd and preposterous propositions, and that is what Mrs Dunne is suggesting we do this morning.

MR STEFANIAK (Ginninderra) (10.43): It is not a waste of time to ensure that this place is open. It is not a waste of time to ensure that a government is, in fact, open. This government went to the election promising to be open. It is not a waste of time to discuss serious matters such as this. It is about accountable government; it is about an Assembly conducting itself with propriety in accordance with standing orders and in accordance with the rules set down in the Australian federal parliament. We base ourselves on *House of Representatives Practice*.

In her letter to the Speaker, Mrs Dunne has made some very serious allegations. It is right and proper that those matters have a chance to be aired—and indeed that anyone who might feel disaffected by the matters raised has a right to respond to them in the appropriate way. To hide behind numbers in this Assembly, to hide behind the fact that you guys have nine people and everyone else has only eight, is to avoid open government, to avoid scrutiny. We have seen far too often, in the very short term of this Assembly, attempts by the government to shut down important debate—important debates on behalf of the community and things the community expect of this parliament—and now, today, an important debate on propriety, on how this place should operate, on how this place should have regard for *House of Representatives Practice*, for our own standing orders and for matters of propriety.

Mr Corbell talks about there being merely discussions as to who should form committees. It is true that we have discussions about all sorts of things in this place—that is part and parcel of politics—but there is a time when matters go beyond discussion and other issues come into play. We have seen, in the short history of this place, some instances of areas where people have been found to have gone beyond what is normal in terms of their conduct in this Assembly. People have been admonished and people have been censured because of it. In fact, one staff member resigned as a result of it.

In the short space of this Assembly we have had instances where privileges committees have been formed and matters have been aired properly. All Mrs Dunne is trying to do today is to have an open discussion in relation to these matters and, obviously, see what

comes from it. Numbers are obviously going to be very important, as they are, but for the government to attempt to shut down the debate is quite appalling. In shutting down debate it is shutting down proper scrutiny of its activities and the activities of its members.

That is something that, quite frankly, I think the community would be appalled at. The community wants to see openness. It does not want to see this place operating behind closed doors. It has a right and a duty to expect that what goes on here will be open to scrutiny. It has a right and an expectation that we will abide by rules.

Mrs Dunne has made some serious allegations that should be aired, allegations that possibly even involve breaches of various acts, such as the Crimes Act. The allegations are serious and need to be looked at carefully. It is up to everyone here to judge the substance or otherwise, but they are serious matters that need to be aired and matters indeed involving the minister who wants to shut down debate. He has a bit of a conflict there perhaps in even talking on this matter. It is important for us to vote for Mrs Dunne's motion. Mr Speaker has made a decision and she disagrees with it. She wants us to debate it. I would expect the community would want to hear exactly—

MR SPEAKER: Mr Stefaniak, you cannot impute that somebody has a conflict of interest in this place without a motion being decided by the Assembly. You ought to withdraw that.

MR STEFANIAK: Thank you, Mr Speaker; I will do that. I think this is important; it is a serious matter. Mrs Dunne has written a letter alleging some very serious issues. She has referred to *House of Representatives Practice* in relation to these issues. When one reads those pages of *House of Representatives Practice*, one sees that they are very serious matters indeed.

People do not have a huge regard for politicians. One of the reasons is that they do not trust us. All parties go to elections saying, "Yes we will be open, we will be accountable"—and it is questionable what happens after that when they get into government. One of the reasons is that people want open and accountable government. It is amazing that this government, which went to the electorate with that promise and which quite proudly trumpets in this place at every opportunity it has had so far why it got elected, attempts to shut down debate on important matters. Mrs Dunne has raised a very important matter, and it should be heard.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.48): I do not wish to speak for too long to this motion because it is a singular waste of time—Mr Corbell has made the case well.

The point needs to be made in relation to the nonsense being spouted about refusing to be open and accountable about how this Assembly operates that one-third of the sitting time of this Assembly, after the business of the Assembly, is devoted to private members' business. I do not know, but I would imagine that that is the greatest proportion of time devoted by any parliament in Australia to private members.

MR SPEAKER: The time for this debate has expired.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Minister for Health and Minister for Planning Motion of want of confidence

MR SMYTH (Brindabella—Leader of the Opposition) (10.53): I seek leave to move a motion of no confidence in the Minister for Health, Minister for Planning and Manager of Government Business, Mr Corbell.

Leave granted.

MR SMYTH: I move:

That the Assembly expresses a lack of confidence in Mr Corbell (Minister for Health, Minister for Planning and Manager of Government Business).

We have been forced into this sorry state of moving a motion of no confidence in the minister because the proper processes have not been followed. When serious allegations are raised of this nature, the appropriate thing is for the matter to go to a privileges committee. They are serious matters because they talk about the membership of a committee of this Assembly and the control of that committee. The facts of what has occurred should be able to be put on the table. I will leave that to others to do, but the fact that we are not being given the opportunity to air what people think is a serious matter is of grave concern to me, and I believe it is of grave concern to the community.

Mr Corbell: Mr Speaker, I wish to raise a point of order. Mr Smyth cannot reflect on a vote of the Assembly. He is saying that he is unhappy with the decision of the Assembly not to have the matter raised by Mrs Dunne considered by a privileges committee. He is reflecting on a vote of the Assembly, and he is not permitted to do so.

MR SPEAKER: Yes. You cannot reflect on a previous vote, Mr Smyth.

MR SMYTH: I withdraw the reflection, Mr Speaker. When this kafuffle first arose we had some concerns about the process. Initially, perhaps as you decided, we thought that it was perhaps just to do with the argy-bargy of politics, but we looked at it more and sought advice. The advice we were given, and references in both *House of*

Representatives Practice and Odgers, suggests there is something more that needs to be considered. That was the purpose of Mrs Dunne's writing to you to ask whether precedence should be given, and that was the purpose of moving the motion that said we did not agree with your decision.

These are serious matters. The control of a committee of the Assembly is a serious issue. All of the committees have a serious role in the functions they perform, perhaps none more serious than the estimates committee. The estimates committee is the vehicle by which we scrutinise the expenditure of the government's budget. As such, it determines very much what will occur in this place—not just in the Assembly but also in the Canberra community—for the coming year and for years to come, whether it be through programs established or for capital works.

What we want is very clear, very open, scrutiny of that process. Indeed, that was promised. The day before the election Mr Stanhope said that there was no need to fear majority government. We have seen a pattern emerging, culminating in this debate today. We have seen the number of sitting days restricted; we have seen sitting days cancelled; we have seen the hours of debate restricted; we have seen the gag applied innumerable times in the first six months of this Assembly; we have seen the government take control of a majority of the committees; and we are now seeing control being taken of the estimates committee, which is very much a move away from the tradition of this place. I note that Norm Jensen, a member of the Alliance Government, led an estimates committee once.

Mrs Burke: Mr Speaker, I wish to raise a point of order. There is a lot of noise coming from the government benches. If they would not mind toning it down, it would be helpful.

MR SPEAKER: Order, please, members! Mr Smyth has the floor.

MR SMYTH: Thank you, Mr Speaker. All we sought to do this morning was to have this possible breach looked at. That was the whole point of what we attempted to do. Concerns were raised. Upon checking through Odgers and *House of Representatives Practice*, there seemed to be some case to answer, and that was what we attempted to do.

The Chief Minister's defence as to why this matter should not go ahead is that it is just a singular waste of time. He said that a third of the time of the Assembly is given over to private members' business. I think he is going back a little bit in the record. The fullest days in this place are, in fact, private members' days because the private members of this place have an agenda and are attempting to carry out that agenda, given that we have all been elected by the people of Canberra to be here to serve them.

This is about making sure that there is always proper scrutiny. When one goes to, say, page 709 of *House of Representatives Practice*, one finds that there are provisions of the Crimes Act that provide that:

... a Member who asks for or receives or obtains, or offers or agrees to ask for or receive or obtain any property or benefit of any kind for himself or any other person on an understanding that the exercise by him of his duty or authority as such a Member will, in any manner, be influenced or affected, is guilty of an offence.

At first blush—and the minister would make the point—it is all argy-bargy that we make arrangements and come to deals all the time, except that it is never for a personal benefit. It is inevitably to amend a bill or to change something that, in theory, benefits the people of Canberra. What was offered here was a place on a committee.

Places on committees of this place are limited, so they are highly sought after. They offer a venue for members to extol their philosophies or policies and they offer, in some cases, prestige. In some cases, if you manage to score the chairmanship of a committee—if you are elected as chair—it may offer financial remuneration. In this case, to barter for a position on a committee, we believe, is significantly different. If you look at *House of Representatives Practice* and at Odgers, the situation is significantly different in terms of what we do in the normal course of events here.

This is what happened: we had an arrogant government which said, “You have nothing to fear from us; no problems here; it is going to be business as normal”—except that we already have this litany of changes occurring. We have the restricting of the times, the applying of a gag to debate, the stacking of committees and now rorting of the estimates committee membership so that the government controls it, in breach of the traditions of this place.

Parliaments are run by two things—their standing orders and their traditions and practices. We do not have a traditions and practices document for this place yet. I understand it is being written, but we may need to cancel that contract because all the traditions and practices of this place have been thrown out in the last six months. It seems like a waste of money.

The point is that, if you look at what is in *House of Representatives Practice* and what is in Odgers, you will see quite clearly that asking somebody to change their vote in this way so that you get a benefit and offering members a benefit for changing their vote is, in fact, an inducement. That is what we are talking about today.

We have had the affair in the federal parliament whereby a member was supposedly offered a position overseas. The Metherell affair also comes to mind, where a member was offered an inducement. I think it is indicative of corrupt behaviour. That is why we have been forced to go today to this matter of no confidence in the minister.

Members opposite wanted something and they did not want to go through the political ire of just being seen to be arrogant—and people would know that they are arrogant—by simply taking control of the committee because they have the numbers, so they came up with this ruse, this subterfuge, to gain control of the committee by hiding behind the vote of the Greens. That is the problem.

We need to know whether that is truly acceptable. I think that any reasonable reading of pages 709, 710 and 711 of *House of Representatives Practice* clearly says that it is not. A benefit is being received in a personal sense. That is the problem here, and that is what we wanted to discuss, ideally in a privileges committee, because that is where it should be done appropriately.

That is why Mrs Dunne wrote to you, Mr Speaker, and that is why we moved not to agree with your decision—because it is unclear. We have been forced to the position of moving a motion of no confidence in the minister because we have been thwarted in that process. The process should have been allowed to go ahead, as it has gone ahead in other parliaments since time immemorial.

The opposition does not have any confidence in the Minister for Health, Minister for Planning and Manager of Government Business, Mr Corbell. We have seen that this minister, on four occasions, has had findings against him in this place. On 22 May 2003 the Minister for Health deliberately withheld information from the estimates committee with regard to data on the waiting lists. As a result, on 3 November 2003 a select committee of privileges found that the minister was in contempt of the Assembly. This minister has already been found by a committee to be in contempt of the Assembly. On 18 November the Assembly passed a motion expressing grave concern about the Minister for Health being found in contempt of the Assembly by a select committee of privileges. On 23 September 2003 the Assembly passed the following motion:

That the Assembly censures Mr Corbell (Minister for Planning) for his refusal to negotiate with the owners of the site at the corner of Nettlefold Street and Coulter Drive as directed by the Assembly.

This is the minister who refuses to follow the directions of the Assembly, the Assembly that he is ultimately beholden to for his position of authority. Indeed last year, on 24 June, the Assembly passed a motion censuring the minister for health and planning for persistently and wilfully misleading the Assembly on a number of issues. It is a sad day when we are drawn to this—when we have a leader of the house, a manager of government business—

Mr Quinlan: Wring your hands, mate!

MR SMYTH: We get Mr Quinlan's objection. That is the standard approach of the Treasurer, who simply treats everything dismissively. That is the other hallmark of this government—the dismissive way they treat everything. They are now so arrogantly entrenched in their majority that they think they can do and say anything they please. We will see more of this over the next 3½ years, I have no doubt. Already there is dismay out in the community. Many people I meet and speak to—

Mr Quinlan: They are all ringing your office, are they—or Mrs Burke's office?

MR SMYTH: No. They speak to me when I go out to functions. If you went to functions, Treasurer, and spoke to people, instead of telling them you are going to squeeze the blood out of them, if you spoke to them reasonably about the things they are concerned about, you would know that people are concerned about the way this government is progressing.

Restricting the sitting times, attempting to shut down the corridor, stacking the committees—it is now trying to stack the estimates committee—is not the hallmark of a government that is honest, open and accountable in its processes. That is the problem. That is why we are here today.

Of all the ministers, we find Mr Corbell is the most constant in doing this. This is the minister for spin, this is the minister who twists and turns on the numbers, this is the minister who just tells the Assembly things. For instance, yesterday he said, “We are doing more elective surgery.” He just stands up here and blatantly says, “We are doing more elective surgery.” Yet his own reports for Calvary, for the year to date, show that there is 13 per cent less elective surgery.

I think that, in all of the areas in which we look at the performance of this minister, we find a minister who is not performing well in his duties. This is a minister who is not worthy of the confidence of this Assembly. That is why this Assembly is moving this motion of no confidence in the minister today.

DR FOSKEY (Molonglo) (11.05): I think people can see that I have found this whole episode rather upsetting. It certainly goes against everything that I thought was integral to integrity in politics.

Mrs Dunne: It is about not doing deals.

DR FOSKEY: Mrs Dunne will know that I have been absolutely open throughout this process. I find it offensive that conversations I have had with members are then used, apparently. I am aware, Mrs Dunne, that you were not recording our conversation, so I do not know how accurate the record was, but that is not the point.

I guess I have come to this place with a way of doing politics that is about openness and transparency. It is not a lesson I want to learn—I do not want to learn that I cannot talk to the Liberals in this place without its being turned against me in some way—and yet this is the lesson of this morning. I have been very open with Mr Corbell. I went to see him when I heard, at the same time as Mrs Dunne did—I am not into plotting behind people’s backs—and I put the situation to him.

Mrs Burke: Nobody said you were plotting.

DR FOSKEY: I am sorry, I do not respect that, Mrs Burke. If you could listen to me; this is my turn, thank you.

MR SPEAKER: Order, please!

DR FOSKEY: I do not want to be looking as though I am barracking for Labor, either. In my position in this house I am representing the Greens. It was important to me to be on that committee because I could see, if I did not get on that committee this year, four years ahead, a precedent being set and always being outside the processes.

The fact is that we do have a majority government. We do not like it, Liberals, but it is here. I am a party of one person in this house; nonetheless, I represent everybody who voted for me and I believe I represent the people who voted for the Greens in other electorates as well. Not only that, but I have seen in my time here that I have a very important role to play. I speak to groups that a lot of you people do not speak to as yet whose perspectives need to come to this house. I hope that will change, but it is the same with the government.

Take, for instance, the bill yesterday. I was speaking for a group of people that it seems very few people in this place have even thought about. That is my job. My job, I feel, is to be on those committees. You will know, you will remember, how I fought with the government in my early weeks about committee membership because I see, in a house with a majority government, that those committees are extremely important. I have not yet been on an estimates committee; I do not know how they work; I have heard. If I knew how it was worked, perhaps I would be suggesting myself for chair, but I do not feel that, as yet, I have the qualification to do that.

What we see here is what I thought was the way politics is done. I was not on that committee. The person who made the decision about who was on that committee was Mr Corbell. I went to see Mr Corbell and talked to him about it. Mr Corbell told me, “We are a majority government and feel, as a result of that, that it is up to us to decide whether you can be on the committee or not.” That is the reality of it. No doubt that decision was not made just by Mr Corbell. No doubt consultation occurred with the whole party, the whole group of people. I do not know how the Labor Party works. I know how I work, though, and I am seeing a little bit of how you guys work. I am not impressed.

I will not be supporting this motion. I would hate to see a media release go out, or something like that, saying that the Greens are now supporting the Labor Party. I am standing up for myself here, I am standing up for my party and I am defending my role in this place. I think that that is enough for now. I did believe that we would be debating the appointment motion later. That might be the place for these discussions.

I am not happy to see, again, a lot of time being wasted. I do consider it a waste. I think there are other ways that we in opposition could operate, because I am also in opposition. Sometimes I feel as though I am the only opposition, by the way. I think there are other ways that we can work. Liberals, I thought we could do this together sometimes. I feel that we are going to have a little bit of relationship building to do after this.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.11): Mr Speaker, it seems to be par for the course now for the Liberal Party that, whenever they are unhappy with a decision, they seek first of all to personalise it, vilify the person who made the decision, and then seek to make political gains out of it by moving a motion such as the one we have this morning. It just shows that the Liberals cannot distinguish the political from the personal. They cannot make the distinction between the decision-making role of a government and the role of an individual in outlining the decisions of that government and the personal—what the person does as an individual.

It is a sad indictment of the Liberal Party that they cannot get beyond the personal in their conduct in this place. It is a sad indictment of the mover of this motion, the Leader of the Opposition, that he is unable to lift himself as leader of the opposition party above the personal and to reflect on the broader issues that Dr Foskey outlined quite eloquently this morning.

This no confidence motion really warrants very little, if any, attention. The reason is that it is simply a rehashing of everything that we have heard before in this place. It really is simply an attempt by the Liberal Party to say, “We don’t like Mr Corbell. We are

unhappy with him and we are going to do everything we can to try to vilify him in the eyes of the broader community.” If that is the way they want to play their politics, that is fine. We will not be playing that game. We will not be engaging in that sort of petty personal politics that we see every day from most members on the other side of this chamber.

Sadly, today—indeed, in the past 24 hours—we seem to have seen the Liberal Party reach a new low in the way it deals with other members in this place. It really does show that they cannot be trusted. They cannot even be trusted to deal with politicians in this place, let alone be trusted with the greater responsibilities that they profess to want; that is, government in this place and responsibility for leading this community. If that is the way they conduct their business in opposition, just imagine what they would be like in government. Just imagine how petty, personal and vindictive they would be in this place if they ever achieved government.

I think this signals further that, in many respects, the Leader of the Opposition has lost control of his party. The Liberal Party room is now so consumed by the personal politics of hate and vindictiveness that they have lost the plot. They have simply lost the plot. This morning we have seen an absolute waste of the Assembly’s time, an absolute and complete waste of the Assembly’s time. This no confidence motion warrants no further rebuttal from me. The arguments that we have heard from the Liberal Party are simply arguments of hate and vindictiveness. They are nothing more than that and I will not be giving them any more attention.

MRS DUNNE (Ginninderra) (11.15): These are important matters, Mr Speaker. To write to you about a matter that I considered might be a breach of privilege is not something that I would do lightly, and my colleagues will attest that I considered the matter fairly carefully.

I suppose we need to go back to what actually happened. On Tuesday, towards the end of question time, I had a conversation in the chamber with Dr Foskey. When I decided that I needed to write to you, Mr Speaker, about what happened in that conversation, I thought it appropriate that there should be a record of that conversation. I will now read the record of the conversation. If Dr Foskey at any time thinks that there is anything in it that is not correct, I certainly will give her leave to speak again.

Mr Quinlan: Why don’t you check with her privately first?

Dr Foskey: Excuse me. I am—

MR SPEAKER: Order! Mrs Dunne has the floor.

Dr Foskey: Can’t I take a point of order?

MR SPEAKER: You can raise a point of order.

Dr Foskey: I just want clarification on whether a private conversation—

Mr Mulcahy: Mr Speaker, that is not a point of order.

MR SPEAKER: Order! Resume your seat, Mr Mulcahy. That is not a point of order. You may wish to make a personal explanation at the conclusion of the debate, but that is not a point of order.

Dr Foskey: I will make a personal explanation, then. Thank you.

MR SPEAKER: At the conclusion of the debate.

Dr Foskey: At the end of the debate. Okay.

MR SPEAKER: You have already spoken in the debate.

Ms MacDonald: I take a point of order, Mr Speaker. I question the relevance of this issue to this motion. The motion is a motion of no confidence in the Minister for Planning, Minister for Health and Manager of Government Business in this place. It is not a motion of no confidence in Dr Foskey and a conversation that took place between Mrs Dunne and Dr Foskey is not relevant.

MR SPEAKER: Thank you, Ms MacDonald. These debates are usually wide-ranging. The motion before the house is a wide-ranging motion and Mrs Dunne has only just started to speak. While she confines herself to matters consistent with the motion before the house, she does not breach the standing orders.

MRS DUNNE: Thank you, Mr Speaker. I will not be breaching the standing orders. The conversation between Dr Foskey and me relates directly to what I claim is possibly the benefit offered to Dr Foskey by Mr Corbell, the Manager of Government Business. I will read directly from my record of conversation:

I approached Dr Foskey in the Chamber towards the end of question time and asked her had she had any thoughts about the makeup of the Estimates Committee.

I told her that I had discussed the matter with some of my colleagues and there was a high level of anger about the proposal—

that is, the government's proposal—

and that I proposed to say something about the developments in the Adjournment Debate that afternoon.

Dr Foskey told me that she had raised the matter with Mr Corbell presumably in his capacity as Manager of Government Business. Dr Foskey said:

“I have raised this with Simon ... and he has told me that he thought he could see his way clear to proposing that Caucus agree to me being on the committee so long as I support the Government for the chairmanship of the committee”.

I began to speak to Dr Foskey about the precedents and how it had never been the case that government members chaired an estimates committee.

actually, I understand now that I was not quite correct in that—

In response Dr Foskey said:

“It is more important that I’m on the Committee than we quibble over who has the chairmanship”.

I replied that the decision on the chairmanship was not a quibble but was about the precedents of the Assembly.

Dr Foskey indicated to me her most important concern was being a member of the committee.

I said to her that if she became a member of the committee we should discuss the chairmanship further.

I concluded the conversation by suggesting to Dr Foskey she needed to be “careful” in her dealings with the government.

It took a while for what it was that Dr Foskey had told me to dawn on me. What Dr Foskey had told me was that Mr Corbell had said, “I will give you something in return for your vote.” This, as Mr Smyth has said, is not the normal cut and thrust of, “You support my amendment and I will pass your piece of legislation.” It is not a personal benefit to a member if a piece of legislation is passed. But what Mr Corbell did in making this offer—and I do not think that Dr Foskey denies that this offer was made—was to offer a benefit. He was offering to give her a position on the estimates committee, something that she wanted to obtain, yes, in return for a particular thing. *House of Representatives Practice* on page 710 and following on page 711 states:

Section 73A of the *Crimes Act 1914* provides that a person who, in order to influence or affect a Member in the exercise of his duty or authority as such a Member, or to induce him to absent himself from the House or any committee of which he is a Member, gives or confers or promises or offers to give or confer any property or benefit of any kind—

a benefit of any kind—

to or on the Member or any person is guilty of an offence.

That offence carries a penalty of two years imprisonment. If any member was charged here and found guilty, they would lose their seat over it. *House of Representatives Practice* goes on to say:

As well as being a criminal offence, the offering of a bribe to a Member to influence them in their parliamentary conduct is equally a contempt.

More importantly, Mr Speaker, and probably more forcefully, *Odgers’ Australian Senate Practice*, on page 599, says:

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by any other improper means, influence a Senator in the Senator’s conduct as a Senator ...

Government members obviously do not consider the estimates committee to be important. What happened here was that a member, a new member, in many ways perhaps an innocent victim in this case, actually went to Mr Corbell to plead for a position because she thought it was important. Mr Corbell took advantage of that. By Dr Foskey's account, innocent as it may be—and I am sure that Dr Foskey did not intend in any way to drop Mr Corbell in it, but unfortunately she has—what Mr Corbell said was, "I will give you what you want so long as you do something in return." That was a contract. It was a contract initiated by Mr Corbell. It was a contract that offered Dr Foskey a benefit.

This is a most serious matter. It is a small matter. Mr Corbell did not offer Dr Foskey the chairmanship, which would have remuneration attached to it, but it does not have to be a pecuniary benefit. He did not offer her a weekend at the coast or anything like that, which would be more tangible, but he did offer her a benefit. The benefit is a seat at the table in the estimates committee. The benefit is the prestige of being a member of the estimates committee, something that obviously Dr Foskey sought considerably.

The benefit, especially for a Green and a crossbench member, is in having a casting vote on that estimates committee. It is a position of considerable power. This is not about the cut and thrust of normal negotiation. The crux of the issue is that Mr Corbell made an offer of a personal benefit to Dr Foskey. I understand that Dr Foskey is upset and I appreciate that she is really pretty much the meat in the sandwich. I sympathise with Dr Foskey's predicament. But this is not really about Dr Foskey's predicament. It is about the unacceptable inducement made by this minister. He would like to make this debate about, "Look, you're all picking on me because I'm Simon Corbell."

It is not about Simon Corbell personally. If it was a personal criticism, we might criticise the cut of his suit, his hair-do, the way he walks, all of those things. That would be a personal criticism. But when we criticise the actions of this minister and the actions of the Manager of Government Business, it is a political criticism.

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

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.25): I will respond to some of the points that have been made by the opposition in relation to this motion. This motion is a nonsense. It is a motion that suggests that the Minister for Health should be asked to resign. The Liberal Party today is calling on the Minister for Health to resign because he carried out, on behalf of the government, certain business. He made certain representations to another member of this Assembly with the authority, and on behalf, of the government and as a result you stand here and ask him to resign.

In asking him to resign you make a case which proposes, effectively, if we are to believe the words of Mrs Dunne, that Ms Foskey should in fact be facing criminal charges; that, if the charges are proved, she should go to jail. So today the Liberal Party is standing in this place and seriously suggesting that the Minister for Health should resign and that Deb Foskey should be sent to jail, all because a discussion was held in relation to the constitution of a committee of this place.

Let me say that there were discussions and conversations in relation to the formulation of this committee within the caucus. I do not know how the Liberal Party operates, perhaps by osmosis: people imagine or try to guess or send little waves when they are trying to determine who will be represented on a committee. The Labor Party in this process discusses these issues. Perhaps there are others of us who should be sent to jail. The Labor Party proposes that Ms MacDonald chair this particular committee. Ms MacDonald has actually asked for the support of her colleagues in being put forward to chair this committee. I wonder whether Ms MacDonald should go to jail as well, along with Dr Foskey!

This is the nonsense that we are dealing with. We all discuss the make-up, the formation and the membership of committees. Members of the Labor Party come and say to me; "Jon, I'd like to be on this committee. Would you support me as a member of this committee? Would you agree if I was to put myself forward as chair?" Am I, in having a discussion with a member of my government about their desire to be a member of a committee, committing a crime that requires my jailing? This is the level of nonsense we are dealing with here today, that those opposite have actually beaten up the membership of a scrutiny committee as the achieving, the gaining or the requesting of a personal benefit.

What personal benefit is there in Dr Foskey being a member of the scrutiny committee? Dr Foskey is volunteering to serve the people of Canberra by volunteering to be a member of a committee. One of the great ironies here, of course, is that today we will be dealing with Mr Mulcahy's motion that the committee be constituted by two members of the government, two members of the opposition and Dr Foskey, yet the Liberal party is now suggesting that Dr Foskey should go to jail. Mr Mulcahy in an hour or two will be moving that Dr Foskey be a member of this committee. He is proposing that Dr Foskey actually be a member of this committee. This is absolute nonsense! It is time wasting nonsense.

In the debate on the motion to suspend standing orders, we heard that this government is not prepared to be scrutinised or open. The point has to be made that one-third of the time of this chamber is devoted to private members' business. That is a greater proportion of private members' business than in any other parliament in Australia. One-third of all the business of this parliament is devoted to private members' business. Go up to the House of Representatives and see how much time there is for private members' business. Choof off to Sydney and drop in on the New South Wales parliament and see how much time there is for private members' business.

What should we have been doing this morning? What business has this absurd motion prevented us from undertaking today? It has prevented us from introducing a law in relation to the need to register paedophiles in this community. This morning you have prevented us from dealing with a law in relation to paedophilia and the need to protect our children. You have prevented us from dealing with legislation to introduce a whole new regime in relation to sentencing. You have prevented us from dealing with a proposal to establish a whole new human rights commission regime. You have prevented us from dealing with a piece of legislation in relation to health.

This is the nonsense we have been discussing this morning: an absurd motion that suggests that, because Mr Corbell had a conversation about the constitution of a committee, he should resign or be sacked as Minister for Health; a proposal put directly and bluntly by Mrs Dunne that Dr Foskey should be sent to jail and a suggestion that, because Ms MacDonald had a discussion with me about her desire to be chair of this committee—we are now assuming that at no stage does the Liberal Party ever discuss who amongst their members might constitute the membership of a committee—she somehow was seeking a benefit from me. Ms MacDonald might need to join Dr Foskey in jail. This is the nonsense we are discussing here. I cannot believe that a mature party, an opposition with pretensions to be the next government of the ACT, would come into this place and waste our time with this childish, absurd nonsense. It is a complete waste of all our time.

As both Dr Foskey and Mr Corbell have said, it reflects a culture that exists within and is obviously part of this opposition's view of its role within this place. It is about personal politics. It is about a nasty, vindictive personal approach to its role as opposition. One can reflect on why the opposition has taken that approach in this place. It is very much to do with its standing within the community and the extent to which the people of Canberra have walked away from this opposition.

As a final point, one is entitled to ask: on what basis did Mrs Dunne approach Dr Foskey in the first place to discuss the committee? What was it that Mrs Dunne was going to say to Dr Foskey? Was she going to say; "Look, Dr Foskey, I want to talk about the committee. But let me be absolutely clear at the outset that under no circumstances will I be suggesting that I want you to vote in a certain way or behave in a certain way. We will not under any circumstances be asking you, when the committee is constituted as, say, two Labor, two Liberal and one Greens, for your vote in return for chairing the committee. Now, please understand this. Before I have a conversation with you, Dr Foskey, let me make it clear we will not be asking for your vote. We will not ask for your vote, Dr Foskey. Be clear about that." What was the conversation to be about?

More to the point in relation to this absurd nonsense, the Labor Party had considered that appropriate membership of the committee might be three members of the government and two members of the opposition. We do have majority government. We could have insisted—we could easily still insist—on a 3:2 membership. We could easily have done that then. We could easily do it now. There is no benefit to the government in this. It was simply that Dr Foskey, through a very strong desire to be involved in the work of the Assembly, had a strong interest in being a member of the committee, and the government responded to that.

To suggest that Dr Foskey sought some personal benefit or that a personal inducement was offered is patent nonsense designed, as Mr Corbell in particular has said, to vilify members of the government, and in this instance Dr Foskey, in a very personal, vindictive, nasty and, I might say, poisonous way. The opposition really is slinking, sliding and slipping into the gutter as the weeks pass. This is an absurd motion, and I move:

That the question be now put.

Question put.

The Assembly voted—

Ayes 10		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Original question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Corbell	Ms MacDonald
Mr Mulcahy		Dr Foskey	Ms Porter
Mr Pratt		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope

Question so resolved in the negative.

Motion negatived.

DR FOSKEY (Molonglo): Mr Speaker, I seek leave to make personal explanation.

Leave granted.

DR FOSKEY: My personal explanation will be brief and I hope that it will conclude this matter, given that we will be debating the appointment motion very shortly. First of all, I want to clarify that I asked Mr Corbell to take to caucus my request that the government accept Mr Mulcahy's motion. Secondly, I want to say that the whole of my conversation with Mrs Dunne was not recounted today. That is okay. I am going to leave it there. I just wanted to say briefly that, yes, I have experienced a moment of glory, as Mrs Dunne said. Suddenly I smell power, and the route to power is the estimates committee. I am only joking. You must understand that I do joke sometimes. I think a bit of lightness in this house would be a good thing.

I want to put it on the record that members of the Liberal Party have lobbied me as well. What I think I have just experienced is what my colleague Kerrie Tucker may have

experienced more of when the crossbench did have some weight. Certainly it has been a wake-up call for me, and actually I think I am up to it. I have survived.

Legal Affairs—Standing Committee Scrutiny report 7

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

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 7, dated 6 April 2005.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: This report contains the committee's comments on one bill. I commend the report to the Assembly.

Crimes (Child Sex Offenders) Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.41): I move:

That this bill be agreed to in principle.

The purpose of the Crimes (Child Sex Offenders) Bill 2005 is to require certain offenders who commit sexual offences against children to keep police informed of their whereabouts and other personal details for a period of time, and to prevent registered sex offenders from working in child-related employment.

The bill provides for the establishment of a child sex offenders register. The intelligence information gathered through the registration process is to be used to assist government agencies to better manage offenders in the community and, in so doing, reduce the likelihood that offenders will reoffend. It will also help the investigation and prosecution

of any future offences that they may commit. I will briefly highlight for members a few aspects of the bill.

The bill provides for the establishment of a register of child sex offenders and will require offenders who commit sexual offences to report specified personal details for inclusion in the register. The bill further extends this requirement to certain offenders sentenced for registrable offences before commencement of the legislation.

The bill will require juvenile offenders and offenders who commit certain sexual offences against child victims to comply with the reporting obligations and to keep their details up to date, to report details annually and to report their travel plans. The bill imposes reporting obligations for a period of between four years and life, depending on the number, severity and timing of the offences committed and the age of the offender at the time an offence was committed. The bill further provides for the recognition of the period of reporting obligations imposed under laws of other jurisdictions.

Under this bill the requirement to report to police will fall upon those child sex offenders found guilty of a definable registrable offence for which a custodial sentence was imposed or for which they were otherwise made subject to a supervisory order, such as parole. These reporting obligations will also apply to sex offenders who immediately before the commencement of the proposed legislation are in a correctional facility.

As an added community protection measure, the bill empowers the courts to impose a new form of sentencing order to be known as a sex offender registration order. This order, which is made concurrently with a sentencing order, may be made if the court is satisfied that the offender poses a risk to the sexual safety of one or more people or of the community. The bill has been developed in consultation with all other jurisdictions so that the ACT can participate in the national child protection offender registration scheme. Other states and the Northern Territory have introduced, or will shortly introduce, similar laws.

We, as legislators, have a responsibility to protect the children in our territory to the best of our ability. We need to maintain a vigilant eye on those who have already sexually offended against children. Those who have sexually offended against children must be monitored for as long as it is considered reasonably necessary to ensure that they do not reoffend, a situation that unfortunately very often arises with such offenders. This bill will reinforce, strengthen and improve the current position. It is a modest step in the right direction in the campaign against sexual predators of our children. I look forward to the commencement of the scheme and I commend the bill to the Assembly.

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

Crimes (Sentencing) Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.45): I move:

That this bill be agreed to in principle.

Today, I introduce the Crimes (Sentencing) Bill 2005. Sentencing criminal offenders is the responsibility of judges and magistrates. By anyone's standard, it is a demanding and arduous task. Judges and magistrates have to hear about all kinds of violent and inhumane experiences and pass judgment on those found guilty. Despite continued exposure to the negative side of human behaviour, the law and the community expect courts to pass judgments in a consistent and objective way.

The task of a judge or magistrate sentencing an offender is to impose a sentence in a manner that applies sentencing principles and considerations to all cases equally. The sentencing court must balance the needs of the victim, the community and the offender. The court must also determine the factual basis upon which the sentence should be imposed and consider the circumstances of the offence. Sentencing is a skilful task that brings together qualitative determination about the appropriate penalty and a quantitative expression of the penalty itself.

No piece of legislation can possibly contemplate the variety of circumstances and people before the court, but it is the duty of governments and legislatures to set down a coherent framework of sentencing options and procedures. The government's intention to improve sentencing law was made clear during our last term. In early 2002 a full sentencing review was announced and a sentencing review committee formed shortly thereafter. The purpose of the committee was to provide policy advice to the Department of Justice and Community Safety on sentencing issues. In September 2002 an issues paper was published and nine written submissions were received by the deadline in late January 2003. Further consultation with key stakeholders resulted in two more written submissions and a number of oral submissions being received.

This initial consultation shaped the two exposure drafts of the bills tabled in July and August last year, the Crimes (Sentencing) Bill and the Crimes (Sentence Administration) Bill. These two exposure drafts were the focus of further consultation. I am pleased to say that the key stakeholders made important comments and criticism of the bills. The bill before the Assembly today incorporates many of the suggestions made by stakeholders. On some issues that were in the balance or held no consensus, the government has made the final decision, as it is expected to do.

Before discussing the elements of the Crimes (Sentencing) Bill, I would like to foreshadow that the government intends to introduce the Crimes (Sentence Administration) Bill in June. That bill will contain counterpart provisions to the bill now before the Assembly.

This bill does not provide for home detention. The reason is based on our experience that the cost of running home detention greatly exceeds the benefit achieved from its use. Since 2001, only 35 people were suitable for home detention. Of those 35, only 25 completed their sentences. It is a low level of usage and a high failure rate. Despite the resources allocated to assess, monitor and police home detention, the ACT averaged

just six completed sentences a year. We will continue to support periodic detention and the other sentencing options set out in the bill.

Apart from New South Wales, the ACT is the only Australian jurisdiction to offer periodic detention and it is clear from the level of usage by the courts that it is a more important and useful option than home detention. I believe this decision is in the best interests of the territory and reflects an honest and realistic assessment of the utility of home detention.

The Crimes (Sentencing) Bill 2005 consolidates a plethora of provisions from various acts that form the ACT's sentencing law. The current diverse sources of sentencing law reflect the disjointed manner in which sentencing law has been made in the ACT. These diverse sources fail to provide easy access to the statutory provisions relating to the principles and procedures of sentencing. This contributes to a risk of error in sentencing decisions and makes it difficult to ensure a consistent approach to sentencing.

The first thing practitioners will notice about this bill is the harmonisation of language, concepts and procedures. The bill is a compact expression of all the sentencing dispositions and sentencing procedure for the ACT. Chapter 3 of the bill forms the core of sentencing options. It is concise and direct.

The bill also includes a number of government initiatives to give courts the flexibility to determine a sentence that matches the particular needs of the case. The bill introduces the concept of combination sentences. The bill removes the old restrictions on combining penalties for individual convictions. Courts will be able to customise the sentence to the offence, the offender and the circumstances of the offence.

A primary aim of combination sentences is to improve prevention, management and rehabilitation of offending behaviour. The court will have the flexibility to impose any number of orders as part of a whole sentence. For example, the court may impose a sentence combining full-time imprisonment with a period of periodic detention, followed by a good behaviour order with a community service condition. The bill provides the overarching power for a court to sentence a convicted person to imprisonment. Imprisonment is the confinement of an offender in the custody of the state and restrains the liberty of the person during the time of imprisonment.

Within the context of imprisonment, periodic detention will be available as part-time imprisonment. Periodic detention allows for both the imposition of a custodial sentence and the maintenance of an offender's positive contribution to the community by way of family life, work or study. The government has opted for a form of periodic detention linked to the sentence of imprisonment. A court may set a period of periodic detention if a sentence of imprisonment is imposed. ACT Corrective Services will then have the responsibility of implementing the periodic detention. The Sentence Administration Board will be responsible for addressing any breaches of periodic detention and, if necessary, reverting the offender to full-time imprisonment.

The Crimes (Sentencing) Bill creates good behaviour orders, which will replace recognisances and options available currently under section 403 of the Crimes Act 1900. Good behaviour orders will be a vehicle for a range of conditions that can be set by the court; for example, a condition that the offender engage in community service work or

participate in a rehabilitation program. The court will have the discretion to impose any particular conditions it wishes in a good behaviour order. Using one type of order as a vehicle for a spectrum of conditions will simplify the procedures for making orders, varying orders and addressing breaches.

The bill includes two new, important preventive tools for the courts: non-association orders and place restriction orders. A non-association order is an order prohibiting an offender from associating with a specified person for a specified time. A place restriction order is an order prohibiting an offender from frequenting or visiting a specified place or district for a specified time. These orders can be made if a court is dealing with an offence that involves harm against a person and the court believes an order will prevent further offences or harassment. These orders will be available to the court if the offender is subject to periodic detention or a good behaviour order.

I believe these orders will improve the safety of victims, particularly victims of domestic violence and personal violence. Since 1977 courts around the country have been familiar with the power to make Griffiths remands, following the High Court's decision in *Griffiths v the Queen*. Griffiths remands enable the court to adjourn proceedings to provide an offender with an opportunity to address their criminal behaviour before sentencing. The bill codifies this power available to the court and gives it the title of deferred sentence orders. Deferred sentence orders will enable the court to adjourn proceedings to provide an offender with an opportunity to address their criminal behaviour before sentencing. In this way the court can assess whether the offender demonstrates prospects for rehabilitation or an ability to address their criminal behaviour.

I said earlier that it is the duty of the court to consider the circumstances of the offence and the offender when passing sentence. To improve this process in the ACT, the bill increases the scope of presentence reports and enables the court to select the topics of assessment, as needed. For example, if the court is considering imposing community service upon an offender combined with periodic detention, it need only ask for those matters to be assessed.

Finally, the bill expands the availability of victim impact statements. Presently, victim impact statements can only be tendered if the offence in question holds a penalty of at least five years jail. We have lowered the threshold to enable victim impact statements to be tendered for any offence punishable by imprisonment for longer than one year and for the summary offence of common assault. Many concerns about the possibility of the courts being flooded with victim impact statements have not come true. If anything, victims often need to be encouraged to consider making a victim impact statement. So lowering the threshold will not clog up the system, but send the message that the government wishes more victims to express their experience.

Rather than narrowing the category of people who can tender victim impact statements, the bill broadens the class of people who can tender a statement. Victims, parents, close family members of victims, people who are carers of victims and people who are in an intimate relationship with a victim, such as a life partner, lover, boyfriend or girlfriend, will be entitled to make a victim impact statement.

I thank all of those in the community who have participated in consultation on the bill. I would particularly like to thank the justices of the Supreme Court and the territory's magistrates for making the time to meet departmental officers. I also thank the Director of Public Prosecutions, Mr Richard Refshauge, the Victims of Crime Coordinator, Ms Robyn Holder, Mr Martin Hockridge of the Legal Aid Office and Ms Renuka Thilagaratnam of my department for their enormous contribution to the bill. I commend the bill to the Assembly.

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

Human Rights Commission Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.55): I move:

That this bill be agreed to in principle.

The Human Rights Commission Bill will establish a new statutory authority to provide the ACT community with improved access to statutory oversight services. It carries out the commitment that my government made last year in the position paper *The right system for rights protection*. I released that paper in response to the report of the review of statutory oversight and community advocacy agencies conducted by the Foundation for Effective Markets and Governments, FEMAG. The review looked at a broad range of statutory oversight and community advocacy bodies, taking a holistic view of the system so that it could make recommendations on improvements to the system as a whole.

The FEMAG review report confirmed the need identified in the Reid review of ACT Health to consolidate the existing complaint bodies to ensure an optimum system for consumers and citizens and to allow flexibility in the use of resources. FEMAG noted that a series of small, stand-alone agencies will not be able to undertake the challenging tasks expected of them. The new structure established by this bill will establish a more integrated approach to statutory oversight and services improvement that will be more streamlined and accessible than currently.

The new Human Rights Commission will incorporate the statutory oversight functions of the current office of the Community Health Services Complaints Commissioner and the Human Rights Office. Both those offices have provided high-quality service to the Canberra community over a number of years. However, the creation of a new office that can accommodate all the functions of those offices will enable the sharing of resources and expertise as well as increasing consistency and improving coordination of the statutory oversight functions. Importantly, it will also provide a single access point for people who want to access a range of complaints resolution, service improvement and community education facilities.

The Human Rights Commission will have statutory functions that will allow it to present an independent, fair and accessible mechanism for the resolution of discrimination, health, disability and community services complaints; to provide for Canberra's vulnerable people and service providers an opportunity to contribute to improving the provision of health, disability and other services; to provide education to the ACT community on human rights and commission review mechanisms and services; to collect information about the operation of the Human Rights Act and related legislation and publish the information; and to provide a reporting process to the ACT government on the resolution of health, disability and community service complaints in addition to human rights and discrimination issues within the ACT.

The Human Rights Commission will be comprised of the president and commissioners who, in a collegiate manner, will decide how best to carry out the functions of the commission. Although the president will have the responsibility for day-to-day administration of the commission's activities and will have a casting vote in meetings of the commission, the president will not have any powers or function separate from those of the commission. The role of the president will be similar to that of the president of the board of a company or a chief executive officer who also has a place on the board. This will free up the commissioners from day-to-day administration matters and make better use of the specialist skills that individual commissioners will bring to the commission.

When the new commission structure was announced in *The right system for rights protection*, it was envisaged that the president would have all the statutory powers and responsibilities and would delegate them to the commissioners as appropriate. In developing this bill, however, the statutory powers and functions have been vested in the Human Rights Commission itself, and the members who make up the commission—the president and the commissioners—exercise functions on the commission's behalf. Although this difference in approach will mean very little in practice, it will ensure that the commissioners share in the decision making about how the commission should deal with matters that come to it, allowing the commission to gain additional benefit from their specialist knowledge.

The commissioners will represent the commission in their areas of expertise and will retain their profiles as specialists. In this way the community will have the benefit of expert commissioners in the areas of health services, discrimination, human rights and disability, and community services. Other specialist commissioners could be added to the commission in the future. These specialists will be able to speak with authority in their own areas, while at the same time sharing accommodation, administrative services and conciliation services.

The commission established by this bill will have broad and flexible powers to look into complaints about health services, disability services and discriminatory behaviour. Uniform procedures for the consideration of complaints will make it easier for commission members to make decisions about the allocation of resources of the office and will facilitate joint consideration of complaints that raise issues across the boundaries between speciality areas.

This bill does not significantly alter the way in which a complaint will be dealt with, as its provisions are based on existing provisions about health and discrimination

complaints. The terms used are more modern, broader and more flexible in order to ensure the commission's capacity to approach each matter in the most appropriate fashion.

As well as taking care of day-to-day administration of the Human Rights Commission, the president will oversee conciliation of complaints on behalf of the commission. After consideration of the complaint, a commissioner will be able to refer it to conciliation if it seems that issues may be able to be resolved in that way.

This bill preserves the division between investigation of complaints and conciliation of them that currently exists in relation to community and health services complaints. This allows parties to freely discuss issues between them and conciliation without feeling the conciliator would have a role in making decisions about the final report on the complaint. The president will not have a role in investigating complaints.

The Human Rights Commission will have broad powers to initiate its own investigations into matters of concern. Reports will be able to be made to entities or office-holders that the commission considers could appropriately receive them. Although the commission will be within the Attorney-General's portfolio, I would expect the specialist commissioners to have regular discussions with the ministers and departments responsible for government activity within their specialist areas.

The Human Rights Commission will be required to act promptly and efficiently. This bill ensures that complainants will be kept up-to-date on the progress of consideration of their complaints. People who have difficulty in putting a complaint in writing will be able to get assistance to do so. There is a provision for complaints to be made on behalf of people who are unable to take action on their own. In order to protect complainants, a provision making victimisation an offence has been included in the bill.

The bill contains provisions representing the culmination of a number of years of reviews looking at the statutory oversight agencies in the ACT. I believe that the new structure that it establishes will deliver an improved service to vulnerable members of the community as well as to those who simply want to see better services and a greater awareness of the way human rights are relevant to our everyday lives. I commend the bill to the Assembly.

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

Human Rights Commission Legislation Amendment Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.03): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill contains the necessary consequential amendments to allow the Human Rights Commission that will be established by the Human Rights Commission Bill to operate. It makes necessary changes to the Discrimination Act, the Health Professionals Act, the Human Rights Act, the Health Records (Privacy and Access) Act and the Community and Health Services Complaints Act. Minor changes to other legislation are made in order to include references to the new Human Rights Commission and to change references to the Community and Health Services Complaints Commissioner to the Health Services Commissioner.

The bill does not alter rights created by the Discrimination Act, the Human Rights Act or the Health Records (Privacy and Access) Act; neither does it change the way in which the health professions boards that help to regulate certain health professions under the Health Professionals Act work together with the Health Services Commissioner. Although the Health Services Commissioner will be working as part of a new Human Rights Commission, the collaborative approach to concerns about service standards will continue. The bill also provides transitional provisions to ensure that complaints already being considered are able to be taken over by the new commission and that existing rights to make complaints are not lost.

The bill amends the Ombudsman Act 1989 to make administrative processes of the Human Rights Commission open to scrutiny by the Ombudsman. This amendment is consistent with the government's agreement to implement the FEMAG recommendation for Ombudsman's scrutiny. Mr Speaker, I commend this bill to the Assembly.

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

Health Legislation 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) (12.05):
I move:

That this bill be agreed to in principle.

The Health Legislation Amendment Bill has been developed to achieve a number of outcomes: firstly, to relocate the current abortion provisions of the Medical Practitioners Act 1930 to the Health Act 1993; secondly, to repeal the Medical Services (Fees) Act 1984; and, thirdly, to put in place a series of amendments of the Health Professionals Act 2004 and Health Professionals Regulations 2004 which will allow for the establishment of midwifery as a separate health profession to nursing; extend the commencement date of the act from 8 July 2005 to 8 July 2006; remove subsection 22 (4) and subsection 37 (7) to facilitate better access to the profession-specific schedules made under the act; make permanent in legislation changes originally made via the Health Professionals Amendment Regulation 2004 (No1); and allow veterinary surgeons to be included under the Health Professionals Act 2004.

Mr Speaker, the relocation of the abortion provisions from the Medical Practitioners Act 1930 to the Health Act 1993 is a straightforward matter. It is important that these abortion provisions are relocated as the Medical Practitioners Act 1930, which currently houses these provisions, will be repealed shortly as a result of the medical profession making the transition to the new health professionals legislation. If the abortion provisions are not relocated, they will be lost.

This bill simply allows for the relevant provisions to be lifted from the Medical Practitioners Act 1930 and placed in the Health Act 1993. The provisions themselves remain unchanged, with the exception of a change in terminology of “registered medical practitioner” to “doctor” for purposes of definition consistent with the health professionals legislation. The relocation of the provisions will involve amendments to the Health Professionals Act 2004 and the Health Act 1993.

The second issue addressed in the proposed bill is the repeal of the Medical Services (Fees) Act 1984. This act is an outdated piece of legislation that comprises two provisions relating to prescribed fees and, in particular, the overcharging of fees to private patients in ACT hospitals. The legislation no longer holds relevance, being largely overtaken over the years by various amendments to the Health Insurance Act 1973 of the commonwealth and associated legislation.

Mr Speaker, the third component of the bill relates to amendments to the Health Professionals Act 2004. The first amendment to the act relates to midwifery. International best practice indicates that midwifery should no longer be part of the nursing profession and requirements that midwives should also be registered as nurses are unnecessary. The requirement fails, in particular, to recognise the differences that exist between these two health professions.

Many local jurisdictions in Australia have already made the move to create a separate health profession for midwifery and it was considered that the transition of the nursing profession under the new Health Professionals Act 2004 would be an appropriate time to remove any legislative obstacles to establishing midwifery as a separate health profession in the ACT.

There is widespread support within the ACT nursing profession for this move, and the current chair of the Nurses Board of the ACT is one of the most vocal advocates for this development. The Chief Nurse of the ACT is also very supportive of the move. Midwifery has already been established as a separate profession in New Zealand, the Northern Territory and New South Wales. Direct entry educational programs for midwives, separate from nursing educational requirements, are available in Victoria and South Australia and are planned for the ACT in 2006. Western Australia and Queensland are also in the process of establishing a separate midwifery profession.

Mr Speaker, the second change to the Health Professionals Act 2004 relates to the extension of the commencement date of the act from 8 July 2005 until 8 July 2006. This extension is necessary to avoid the potential repeal of the current health professionals registration acts before completing the transition of these health professionals under the new legislation. It is essential that the transition of all health professionals occurs before the default commencement provisions take effect.

The removal of subsections 22 (4) and 37 (7) is also necessary to allow greater flexibility in accessing the provisions of these schedules before they commence. It is important to be able to access these provisions before they commence, to facilitate a seamless transfer of all health professions under the new legislation.

This bill also moves to make permanent items currently included in the Health Professionals Amendment Regulation (No 1). These amendments have come to the government's attention as a result of advice provided by the Medical Board of the ACT. The legal advice raised a number of concerns in respect of whom the act applies to, the transfer of unfinished inquiries, referrals to the health professionals tribunal, referrals to the professional standards panel and the establishment of health professionals boards and, in particular, the validation of the medical board election. Many of the concerns raised by the board are legitimate and have now been addressed by some minor amendments to the existing legislation.

Finally, there is a change in this bill for the inclusion of veterinary surgeons under the Health Professionals Act 2004. The inclusion of veterinary surgeons as part of the health professional standards legislation will require an extension of the current definition of health service to include health services provided to animals. The inclusion of veterinary surgeons in the health professional standards will provide the general public with the assurance that persons who provide health services to animals can be relied upon to provide a professional and competent service consistent with the registration requirements that apply to that profession. Mr Speaker, I commend the bill to the Assembly.

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

Estimates 2005-2006—Select Committee Appointment

MR MULCAHY (Molonglo) (12.12): I move:

That:

- (1) a Select Committee on Estimates 2005-2006 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2005-2006 and any revenue estimates proposed by the Government in the 2005-2006 Budget;
- (2) the Committee be composed of
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the Crossbench;to be notified in writing to the Speaker by 4.00 pm today;
- (3) the Committee report by 21 June 2005;

- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, much has been said in relation to the estimates committee this year. Indeed, the estimates committee has far more importance in the ACT than, it might be argued, in most other parliaments. There are two reasons for this situation prevailing. First of all, we do not have an upper house or a house of review in the Australian Capital Territory to make an independent assessment of legislation. We also do not have anyone equivalent really to a governor or the Governor-General in Executive Council to review or question legislation before it is signed into law.

It is interesting, on that second point, that lots of people in the political system assume that the Executive Council is a rubber stamp, but my experience in other situations is that, in fact, matters are still reviewed and are questioned even at that level. Obviously with the Chief Minister effectively signing legislation into law, he is assuming that role as both Chief Minister and governor. Some would argue that this is a flaw in the political structure of the ACT and that it does not have those further checks. So the estimates committee does play an important role.

The strength and independence of the committees—and I emphasise “the independence of the committees”—is especially significant under the circumstances that now exist in the ACT of majority government. I believe that it is a special responsibility of the Assembly to make sure that the estimates process is effective and transparent in reviewing legislation.

It is very important that the executive—that is, ministers—do not interfere with committees so that they can get on with their job, scrutinise matters, hear evidence without fear or favour and then report diligently back to this Assembly. The separation of powers, in my view, is fundamental to the strength of democracy. Whilst I am one of the newer members here, I have already found, through the work on the public accounts committee in relation to annual reports, that this process can be most illuminating.

I think it is very important to ensure that the interests of the citizens at large are addressed and that the appropriate questions are raised through those hearings. At times, the Chief Minister has emphasised the importance of the separation of powers, and I would hope that he would act accordingly and ensure the strength, quality and effectiveness of committees.

In practical terms, I believe leadership should be provided by the government ensuring the composition of the estimates committee as two members of the government, two members of the Liberal opposition and one from the crossbench. I imagine, in light of the facts that have been presented and disclosed today, that that is the outcome that will likely be achieved.

Mr Speaker, I do not intend to canvass the issues that were discussed earlier today. I think the matter now before the Assembly is the consideration of this motion, the formation of the committee, which I now commend to the Assembly.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (12.15): Mr Speaker, the government will be supporting this motion today. I just want to make some points in response to some of the issues raised by Mr Mulcahy.

The first is, of course, that the role of the estimates committee is an important one and one which is recognised as such by the government. Indeed, members have already seen, I think—through you, Mr Speaker—the approach to government in relation to other committees in this place, where we have been very upfront in the amount of time the government has provided to committees to scrutinise the second appropriation as well as annual reports and the pretty much standard level of response that committees have seen over the years in relation to questions taken on notice. The government continues that approach and it would be, I think, wrong of any member of this place to suggest otherwise.

Yes, the estimates committee has an important role to play, but it is ultimately the role of this place to determine whether a particular proposal for expenditure should be supported. There is certainly the opportunity in debate in this place, as much as in the estimates committee, for those matters to be well canvassed. Indeed, the estimates committee often provides an important palette upon which members can then draw for their debate on the estimates committee report in this place.

Finally, Mr Speaker, the government believes that it is important that there is representation, on a proportional basis, of all members of this place on the estimates committees and we think the outcome that is proposed by us and met by Mr Mulcahy in his motion is one that will achieve that. So the government looks forward to participating in the committee in terms of ministers presenting, answering questions, along with their officials, and providing information. I know that the non-executive members of the government are also looking forward to participating as members of the legislature in scrutinising the executive's proposals.

DR FOSKEY (Molonglo) (12.18): For several weeks, Mr Speaker, I have been trying to obtain information from the government about their proposal for the composition of the estimates committee. As everybody now knows, I did not hear anything about it until the Administration and Procedure Committee meeting on Tuesday afternoon.

I am happy to support Mr Mulcahy's motion today. I think it is fairly clear that one of the reasons that it stands is my intervention. I was extremely concerned at the government's proposal at the Administration and Procedure Committee to have a government majority on the estimates committee. The government's proposal would have jeopardised the important role of scrutinising the budget this year, which is so important to transparent and accountable government.

We have to remember, though, that the government could have had both a majority on the committee and the chair. They do have the power to achieve that and it seems they were wanting that. The key point is that now, if this motion is agreed to, the majority on

this very important committee that scrutinises the ACT budget will be non-government members.

I realise that the reality of majority government in the Assembly does mean changes in some of the conventions of this place, as much as this may frustrate the non-government members. Of course that includes the crossbench. Having a majority of non-government members on the estimates committee is vital to give the committee some independence from government. I am certain that the non-government members, that is, the opposition and the crossbench, would agree with this sentiment.

I am clear—and it is important—that, as per standing order 221, all groups and parties in the Assembly are represented. The Greens, as the third party in the Assembly, are the party of scrutiny. The Greens also represent a constituency and concerns of the community that are not necessarily represented by the larger parties. I do feel a responsibility to fulfil that role of scrutiny and broad-ranging consideration of the budget.

In considering the various proposals and potential makeup of the estimates, we assessed the various proposals for this estimates committee against our usual criteria of transparency and accountability and made our decisions based on that. You can be sure that I consulted with members of my party before deciding how to act.

I reject the arguments put forward earlier today by the opposition that I gain any personal benefit from being on this committee. That argument is nonsense, as I outlined earlier in the day. I have no interest in the supposed prestige of being on a committee and I cannot see that I am going to gain anything personally from it. I just see it as my job to be on this committee. I am interested in working hard in this Assembly to ensure transparency and accountability and I am interested in representing the constituents of the Greens. In the case of this committee, I simply want to work hard to ensure that the budget is adequately scrutinised.

In regard to the chair of the estimates committee, that is something that will be worked out internally in the committee. But a government majority with a non-government chair would make the estimates process meaningless in terms of independence and accountability. Who chairs the committee is not the main point. The main point is that there is a majority of non-government members on it so that the budget can be properly scrutinised. Our view is that a government majority on the estimates committee would undermine the integrity of the committee. A Liberal chairperson would not alter that scenario. The outcome is not our preferred one but we are not in an ideal world.

This is the first time that we have had a majority government; so the way things work will obviously change and no doubt the Assembly is experiencing this. Obviously that experience is quite painful for some. This process, again, highlights the disadvantages of having that majority government in the Assembly, which the Greens have spoken about ever since I was elected.

Question resolved in the affirmative.

Health and Disability—Standing Committee Statement by chair

MS MacDONALD (Brindabella): I seek leave to make a statement regarding a new inquiry.

Leave granted.

MS MacDONALD: The Standing Committee on Health and Disability has resolved to conduct an inquiry into and report on the relationship between the health and science sectors in the ACT, with particular reference to the communication between primary and tertiary health organisations in the medical research community in the ACT; government and industry assistance to medical research in the ACT; the use of medical research in planning for health provision to the ACT and surrounding population; ways in which medical research can assist to lower the cost of health provision; models to support medical research; the availability and advancement of diagnostic testing; and any other related matter.

Sitting suspended from 12.24 to 2.30 pm.

Questions without notice Mr Rob Tonkin

MR SMYTH: My question is directed to the Chief Minister. Chief Minister, yesterday I asked you about the AWA that was signed by you and Mr Tonkin in relation to his role in the Office of Special Adviser. In passing, I note that the use of an AWA effectively circumvented scrutiny of this arrangement at that time by this Assembly.

As part of the negotiations leading up to this arrangement, Mr Tonkin sought an annual payment of \$12,000 to continue with his personal development and training activities through his involvement with the CEO circle. What is the CEO circle? Who is entitled to be a member of this circle? Who, from the ACT public service, are members of the circle?

MR STANHOPE: I will take the question on notice, Mr Speaker.

MR SMYTH: Mr Speaker, I have a supplementary question. Chief Minister, as you signed the AWA, I assumed that you would have been aware of the CEO circle. What is the cost of those ACT public servants being members of the CEO circle?

MR STANHOPE: I will take the question on notice, Mr Speaker.

National Youth Week

MR GENTLEMAN: My question is to the Minister for Education and Training. Can the minister inform the Assembly of events occurring in the ACT for National Youth Week?

MS GALLAGHER: I thank Mr Gentleman for his question. Members will be aware that Saturday marks the beginning of National Youth Week, with events continuing

through to Sunday, 17 April. The theme for National Youth Week 2005 is “make it yours”. It is a message to young Canberrans to get involved and have a say in how National Youth Week is celebrated in the ACT and to help to foster that real youth community as part of the broader Canberra community. Youth Week is the major coming together and celebration for young people across Australia and is celebrated here annually through events organised by the ACT government, community groups and, of course, young people themselves. The ACT government plays an active role in facilitating Youth Week but it is really the contribution of young people at the many events that make it a worthwhile exercise, which builds a sense of community for young people in the territory.

One of the important events, which will kick off the week’s events, will be the annual Youth InterACT Conference, which is an important forum for young people to formulate a common program of actions in response to the issues facing young people. The conference is to be held tomorrow, Friday, 8 April at the Gorman House Arts Centre. The conference aims to provide an opportunity for participants to contribute to youth policy, learn various skills, make connections, establish networks and meet new people. The conference outcomes will be collated into a report and posted on the youth website for public access.

National Youth Week Expo will be occurring in Garema Place this Friday from 3.00 pm. There will be music throughout the afternoon, food available, and a youth marketplace where information regarding youth services and information can be obtained. People will remember from previous years that this is a vibrant part of the calendar of events—not quite rivalling the Multicultural Festival but certainly a dynamic expo in its own right.

Canberra Youth Theatre will be holding ZAPTfest, which will provide the opportunity for young students interested in dance, music and acting to meet one another and showcase their talents. This will culminate in a gala event to highlight the week’s acts that will be held on the main stage of the Street Theatre on 10 April. Quamby will be conducting an expo where up to 20 agencies will provide information stalls of the services that are available to assist Quamby residents as they re-engage with the community. Woden Youth Centre will be holding a youth festival with a line-up of 10 bands, a short film festival and a performance by the Circus Warehouse. The festival will highlight the creative works by young people in the fields of film, photography, graffiti art, painting, drawing and music.

On Tuesday, 12 April, I will have the pleasure of announcing the ACT Young Canberra Citizen for 2005 and the recipients of the first round of Youth InterACT grants for 2005. The ACT Young Canberra Citizen of the Year Award is an opportunity for the ACT government to recognise young citizens who have made a significant contribution to the ACT community through their personal efforts. The nature of the nominees’ contributions can range through community work, sport, education, science, culture, the arts and the environment. The Young Canberra Citizen of the Year is expected to participate in activities such as significant community events, speaking to government agencies, relevant community groups and officiating at special events.

The Youth InterACT grants provide funding of up to \$1,500 to young people to organise projects, events, activities and programs for other young people in the ACT. The Youth InterACT scholarships provide funding of up to \$500 to young people to attend

conferences or events. These scholarships are based on encouraging young people to enhance their professional and personal development through participation in various conferences or events. I encourage MLAs to attend these events, where they can, and to support the good work being done to provide access, support, assistance and greater participation for young people in the ACT.

MR GENTLEMAN: I have a supplementary question, Mr Speaker. Can the minister inform members how the young people's plan supports events like National Youth Week?

MS GALLAGHER: I thank Mr Gentleman for his question. The ACT government concluded a major contribution to the youth policy area last year with the announcement of the ACT young people's plan 2004-2008. A part of the overall strategic planning for the ACT, embracing the Canberra plan and the social plan, the ACT young people's plan has provided a systematic breakdown of the priorities of young people in the territory and what this government is doing to address each of these issues.

The ACT government's commitment to young people specifically looks at increasing education participation, engagement and achievements of young people, as well as improving the transition between school, further study and the work force. The plan provides a whole of government policy framework for all young people in the ACT based on four approaches: participation, access, transitions and support. These approaches are linked to the seven priorities outlined in the Canberra plan and are strongly integrated with the Canberra social plan's goal of investing in our children and young people.

The Youth Interact initiative significantly expands participation opportunities and the number of young people able to contribute to the discussion on youth issues in the ACT. Youth InterACT is made up of a number of initiatives: the youth website, the Minister's Youth Council, the consultation register, grants and scholarships, which I have already outlined, the Canberra Citizen of the Year awards and the annual youth conference.

The child and family centres program is a flagship initiative of *Building our community: the Canberra social plan*. The recent establishment of a centre in Gungahlin has proven to be very successful, with services being provided for young families and young parents. A second centre is planned to begin servicing the Tuggeranong area later this year, and I am sure the Assembly wishes it the same success as has been experienced in Gungahlin.

The Minister for Planning, Simon Corbell, recently poured the first foundations of a new youth centre located in Civic that will house a range of youth service providers. This new building will replace the Griffin Centre and will act as a hub for young people to meet and exchange ideas and opinions while also being able to seek information and advice. Consultation with young people has occurred in recognition of their desire for both a temporary and, at a later date, permanent skate park in the heart of the city. Facilities have also been secured in Narrabundah for the provision of a supported accommodation program for young Aboriginal and Torres Strait Islander males aged between 12 and 18.

These programs are an essential part of the ACT government's work to build an active and engaged youth community throughout the year. Youth Week is our benchmark event

of the year. We hope that it spurs more and more young people to participate in community events throughout the year. I would like to thank in advance all the organisers and participants of the 2005 Youth Week, and I wish them all the best for the week.

Hospital waiting lists

MRS BURKE: Mr Speaker, my question, through you, is to the Minister for Health, Mr Corbell. You said yesterday in relation to elective surgery:

Our throughput continues to grow. We continue to see more people getting access to elective surgery because of the government's initiatives.

The latest patient activity datasets for the Canberra Hospital and Calvary note that Calvary Hospital's elective surgery operations, year to date, are 13 per cent fewer than last year. At the Canberra Hospital elective surgery admissions, year to date, have dropped from 12,072 last year to 8,398 this year, a staggering 30 per cent drop.

Minister, how is it possible for throughput to grow and more people to access elective surgery when elective surgery admissions are down 30 per cent at the Canberra Hospital and elective surgery operations are down 13 per cent at Calvary?

MR CORBELL: Mr Speaker, we have been through this debate before. The point I need to make is that those data have been affected by some changes in relation to measuring both outpatients and inpatients. That material has previously been provided and dealt with in the recent estimates committee for the second appropriation. That information is on the public record.

The point I was making yesterday is the point I have made repeatedly, and that is that the government is paying for more operations. More operations are being done this year. This year an additional 200 people who are long-wait, category 2 and category 3 patients in ophthalmology and in knee and hip type operations are being targeted through additional money, particularly to Calvary Hospital. We continue to invest in improving access to elective surgery, and more people are getting access to elective surgery as a result of that investment.

MRS BURKE: I have a supplementary question, Mr Speaker. Minister, is it the case that surgeons at Calvary have now filled their quotas and will not be performing any more elective surgery operations for the rest of the financial year?

MR CORBELL: Mr Speaker, some surgeons at Calvary Hospital have completed their lists for the year. That is something which is down to a scheduling decision by Calvary Hospital as to how they will spread their lists over the period of the year. I think it is unfortunate that the lists are not spread out over the entire year. But that is a scheduling decision that Calvary Hospital has made this year.

I am in consultation with my department and Calvary Hospital on this matter, and I would hope that in future years they would choose to spread their lists and the funding for those lists over the year period so that surgeons will continue their work throughout the year rather than completing it in a period of less than a year.

Hospital waiting lists

MR PRATT: My question is to the Minister for Health, Mr Corbell. Minister, I refer to an email sent to you, the Chief Minister and the Leader of the Opposition by Leon Webcke of Kambah on behalf of his wife Monica. The opposition has asked for Mr Webcke's permission to raise this matter in the Assembly.

Mrs Webcke fell heavily on her arm one Friday afternoon and the injury caused her extreme pain. She presented at the emergency department of the Canberra Hospital at 6.00 pm and was assessed by the triage sister as being an urgent case requiring treatment within 30 minutes. Despite that, Mrs Webcke waited for 3½ hours before an X-ray was performed. There was no radiologist there and a doctor sent Mrs Webcke home with a prescription for Panadeine Forte. On Wednesday of the next week, a radiologist finally had a look at the X-ray and found that she had broken her arm. A CT scan the following morning confirmed that diagnosis.

Minister, why is the Canberra Hospital falling short of Australian College of Emergency Medicine guidelines for the treatment of patients assessed as urgent or semi-urgent within the required time frame?

MR CORBELL: Mr Speaker, I would challenge Mr Pratt to find any hospital emergency department in the country that meets the time frames outlined by the Australian College of Emergency Medicine on every single occasion. The reality is that there is not one hospital in this country that is fully compliant with the time frames set by the Australian College of Emergency Medicine for each and every instance of a person presenting.

Mr Pratt should have been aware that the Canberra Hospital, according to the latest figures of the Productivity Commission, has the best compliance in the country when it comes to meeting the time frames set out by the Australian College of Emergency Medicine. Our times are the best in the country and we do more to meet those time frames than any other hospital in the country.

In relation to Mr Webcke's case, I can inform the Assembly that Mrs Webcke was identified as a category 3 patient. They are identified as categories 1 to 5, Mr Pratt, not urgent, semi-urgent and so on. Normally, you would expect to be seen, according to the Australasian triage scale category, within 30 minutes. I am advised that Mrs Webcke experienced a waiting time of 92 minutes, not 3½ hours. The delay was due to a high level of emergency department workload at the time and prioritisation of more urgent cases—not surprising at times when the hospital gets busy. The most urgent and most life-threatening cases are seen first.

For the information of members, the scale comprises five categories, ranging from triage category 1, which includes patients who require immediate treatment because they are in life-threatening situations, to triage category 5, which includes patients in less urgent circumstances. As I have already indicated to members, Canberra Hospital and the ACT have the best compliance in the country when it comes to complying with those time frames in the emergency department.

The recall of this patient following the availability of a full radiology report demonstrates that we were able to identify the deficiency and checking of radiology reports effectively. Following diagnosis, no change was required to the patient's plan. Following the identification of the broken arm, no change was required to the patient's treatment plan. In relation to the timely reporting of radiology examinations, the hospital is currently undertaking an examination of this issue, including the potential introduction of new technology, to ensure that timely reporting of radiology examinations outside normal business hours is able to be undertaken.

The government and the hospital take the situation seriously, but it is important to make the point that Mrs Webcke did not wait for 3½ hours—she waited for a total of 92 minutes—and that the diagnosis following the full receipt of the radiology report did not result in any change to her treatment plan. So there was no compromising of the care provided to Mrs Webcke. The fact that the emergency department was busy and was dealing with more life-threatening cases is entirely the appropriate course of action when more serious cases are presenting at the hospital.

Housing

MRS DUNNE: My question is directed to the Minister for Housing, Disability and Community Services. Minister, in question time on Tuesday, you waxed lyrical about the success of your department in housing homeless families. You are aware of the situation of the Wei family—because I have raised it in this place before—who were forced to vacate their privately rented accommodation earlier this year. Mr and Mrs Wei are living with a brother in one part of Canberra and their children are living with Mr Wei's sister in another suburb. When will your department provide the Wei family with appropriate housing?

MR HARGREAVES: Members of the opposition are only too well aware of the processes in Housing ACT whereby people's needs are addressed. There are various categories of early allocation. I have every confidence that the officers in Housing are doing everything they can to satisfy as much of the need in Canberra as they possibly can. Putting people's personal details into the public arena does not help that process.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, are there other families who have been split up because they have been unable to obtain a property from Housing ACT?

MR HARGREAVES: As I said, the officers at Housing ACT do their very best to accommodate the needs of people as they present. Mrs Dunne is going on a fishing trip, and I do not intend to indulge her today.

Actew Managing Director—public comments

MR MULCAHY: My question is to the Chief Minister. I refer to the latest outburst by the *Australian's* political commentator, Mr Michael Costello, as published in the *Australian* on 17 March 2005. Does the Chief Minister continue to believe that it is appropriate for the Managing Director of Actew Corporation to comment regularly on party political issues? Has the Chief Minister ever advised, under section 17 (a) of the

Territory Owned Corporations Act 1990, the Managing Director of Actew Corporation or the Chairman of Actew that party political commentary by an employee of an ACT government corporation does not meet the standards of behaviour required by ACT public servants?

MR STANHOPE: I have no issues with Mr Costello's out of work activities.

MR MULCAHY: I have a supplementary question, Mr Speaker. Has the Managing Director of Actew ever used government property or equipment to monitor proceedings in the federal parliament or to write his articles for the *Australian*?

MR STANHOPE: Actew is an independent statutory corporation. I do not oversight, nor would any government, the operations of a chief executive of a statutory corporation.

Dragway

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. It relates to his election commitment to build a dragway within 18 months. As you are aware, Chief Minister, in the 2004-05 budget there is a total of \$8 million allocated to construct a dragway in the ACT. Can you advise the Assembly how much of that \$8 million has been expended to date? Are you on track to have the dragway built by May 2006—the date that would mark the end of the 18-month period in which you promised a dragway would be built?

MR STANHOPE: Thank you for the question. I am not aware that any of the \$8 million has been expended yet. I am satisfied with the progress being made in relation to the dragway. As I have indicated previously to the Assembly, significant work has been done since the election last year in relation to this. It is one of the issues the ACT government has directed that priority be given to by the ACT public service.

As I have said previously in this place, the matter is being handled through a strategic projects unit that was established in the Chief Minister's Department specifically to take charge of and responsibility for issues such as this. They have been very active since its constitution. This is one of the major tasks they are currently dealing with.

They have instituted and are engaged in continuing investigations in relation to the appropriateness of a site in the Majura Valley—the availability of the site; the legal steps that need to be pursued in relation to the obtaining of that land; issues in relation to the extent to which the use of that particular site would be compliant with our environmental obligations and legislation; and are consulting with all of those stakeholders quite regularly, as I understand it, as well as the residents who have a direct stake in the possibility of the dragway being constructed in the Majura Valley. This is a significant undertaking; there are significant issues involved around it. Yes, I am more than happy with progress. The money is there to be spent and it is our intention to do so.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Are there currently any delays in the construction of the dragway? If so, what are they? Do you still stand by your election commitment to construct the dragway within 18 months?

MR STANHOPE: I don't think it is fair to say there are delays. I think it is fair to say that the land that has been identified, for instance, is not owned by the ACT government. I am not saying there is a delay as a result of that—you might, but I think there are some wee little steps that we need to take in relation to the obtaining of the land in the first place.

We have identified the site; we are negotiating with the leaseholder; we are talking with neighbours; we are investigating issues around noise; we are investigating whether or not the site would be appropriate, in any event. We have undertaken site assessments of the dragway in New South Wales to determine issues around the level of noise a dragway develops and emits, the extent to which noise carries and the potential for it to be an issue for the residents of Canberra, particularly those most closely resident to the Majura Valley. This is hardly, I would have thought, one of those issues where a government would simply plonk something as potentially invasive as a dragway without some serious attention to issues associated with it.

Mr Stefaniak: Are there any delays? Why don't you just answer the question?

Mr Seselja: Why did you make the 18-month commitment?

MR STANHOPE: Is this the Liberal Party position—that there should be no assessment of noise?

Mr Smyth: No. We didn't say that.

MR STANHOPE: This is the Liberal Party position—that we should charge into the Majura Valley, identify land—

Opposition members interjecting—

MR SPEAKER: Order, members of the opposition!

MR STANHOPE: and just plonk it there, without any assessment of the extent to which the noise that would be generated by a dragway might affect the amenity of others. This is, of course, the Liberal Party approach; we know that. That is why at the last election nobody voted for you—because, essentially, the people of Canberra know how hopeless you are. I have to say that the longer this term of the Assembly goes, the clearer it becomes.

Mr Stefaniak: Mr Speaker, I wish to raise a point of order. He is debating the issue. All I asked him as a supplementary was: are there any delays?

MR SPEAKER: I think he is entitled to contrast the government's position with the opposition's position, is he not?

MR STANHOPE: I am. And now that the thought has occurred to me, it is relevant, I think, in the context of the debate around the dragway, to have regard for the position of the Liberal Party in relation to this and other issues and the extent of their dedication

to this and other issues, including health, of course. We see this contrived interest in health and health care delivery and we note—

MR SPEAKER: I think that is straying.

MR STANHOPE: Well, yes—perhaps. I am sure I can make a connection, Mr Speaker. I am more than satisfied with the progress that has been made in relation to the dragway. As I have said, we have established a separate office within the Chief Minister's Department which is staffed by very capable senior officers. They have this as a priority project; it is being pursued with the vigour by which our resources enable it to be pursued.

We have worked to identify a site to determine issues around the obtaining of that site and its suitability. We are continuing to work on issues around noise and the impact of a dragway on the environment—particularly the amenity of those most closely resident to the currently identified site. As we work through each of those issues, we will hopefully be in a position to deliver a dragway to the people of Canberra next year.

Privilege

MR SESELJA: Mr Speaker, my question is to you. For the information of members, what advice did the Clerk give you relating to the matter of privilege raised yesterday by Mrs Dunne?

MR SPEAKER: I have got it. If I just go through the bin here, I can read out his note to me. With a few additions of my own, I am prepared to table it. That should satisfy your question.

Planning

MS MacDONALD: Mr Speaker, my question is not to you; my question is to the Minister for Planning. Minister, can you please tell the Assembly what the government is doing to streamline planning processes in the city?

MR CORBELL: Mr Speaker, I am very pleased to inform members that, unlike previous governments, we are actually doing something to streamline planning processes in the city. For the period of time that the Liberal Party was in government, what steps did they take to actually focus on revitalising the city centre and improve the planning processes for investment in the city? They did absolutely nothing. In contrast, the government—

Mr Smyth: On a point of order: what the minister has just said is not true.

MR SPEAKER: Could you hear that above the cacophony?

Mr Smyth: I could. I have very good hearing. What the minister said is not true. He said the previous government did nothing. We had “building our city”, “creating our city”, the city centre strategy, the Link building project, the refurbishment of City West.

MR SPEAKER: Order! There is no point of order.

Mr Smyth: It is patently untrue, and he should withdraw it.

MR SPEAKER: I could not hear him clearly.

Mr Smyth: I could repeat it for you if you like. I can tell you exactly what he said.

MR SPEAKER: I would prefer to hear it for myself.

MR CORBELL: I know Mr Smyth is sensitive on this issue because he was planning minister for some time but did not actually achieve very much. Nevertheless, there's the breaks.

The government has proceeded with a final variation for City West. It is currently before the Planning and Environment Committee for consideration. This variation will ease restrictions on the height, gross floor area and colour of new Civic buildings. It will also remove the mandatory preliminary assessment required for most new developments in the city.

It is one of the absurdities of the land act and the territory plan that large commercial office buildings can only be built in the city. You must then do an assessment on the impact of building large commercial office buildings in the city. The government has moved to remove this contradiction. The new draft variation, if subsequently approved by this place, will remove the requirement for preliminary assessment for most new developments in this part of the city.

The variation's public consultation process has been completed and will pave the way for the implementation of the government's City West master plan, which was released in May of last year. So I am very pleased to report to members that the government is not just doing the planning work; it is implementing it on the ground and giving to the development industry the certainty that is needed to create the future of a vibrant city centre, which is what most of us are aiming for.

Variation No 236 (City West commercial A Civic Centre land use policies) is consistent with the changes to the National Capital Plan.

Mr Smyth: It is typical of this minister—

MR CORBELL: I know you don't like it, Mr Smyth, but what did you do in your time as minister for planning? Absolutely nothing is the answer.

Not only have we achieved a positive outcome through the territory's planning processes, we also have agreement from the National Capital Authority on the way forward. Draft Variation No 236 is consistent with changes to the national capital plan in draft amendment No 49 to the national capital plan. The NCA and ACTPLA are working together to further streamline planning processes in the Civic area.

The City West master plan, as members would be aware, focuses on the section of Civic West between the ANU and London Circuit, which the government wants to establish as Canberra's premier commercial and residential address. The work we are doing in City

West is also consistent with the recent agreement between the territory and the Australian National University aimed at bringing the university and the city together and creating a diverse and vibrant mix of student life, community activities and groups, commercial activity and a hospitality-type activity that everyone in the city can enjoy.

The changes proposed by draft variation 236 include implementing the recommendations of the City West master plan; providing that opportunity for revitalisation that I have outlined; relaxing those restrictions on building heights, gross floor area, colours and finishes; removing the special requirements that apply to the city and replacing them with a set of principles and policies; generally removing the requirement for mandatory preliminary assessment; and removing the requirement for a development control plan.

This is truly an example of streamlining development controls in the city area; truly an example of creating an environment that will encourage investment and activity to deliver the city centre that we all aim for.

Housing

DR FOSKEY: My question is directed to the Minister for Disability, Housing and Community Services. On page 55 of the social plan, the government makes a commitment to “continue to implement measures in response to the report of the Affordable Housing Taskforce”. It also committed to release an implementation plan to accompany its final response to the recommendations of the taskforce.

It has been more than two years since the taskforce made these recommendations and one year since the social plan was released. I am yet to come across an implementation plan. To date the government responses to the taskforce recommendations have not established clear targets and actions for increasing housing affordability, timelines for achievements, or performance indicators for monitoring progress. When will the government produce the implementation plan to accompany its response to the Affordable Housing Taskforce?

MR HARGREAVES: I do not entirely agree with Dr Foskey; in fact, I do not. The government has tackled affordable housing and a range of issues. It has already started to implement quite a number of initiatives, as Dr Foskey would probably be aware. For example, one of those issues is releasing land specifically for low-income earners. Because I disagree with Dr Foskey, it would probably be more appropriate for me to offer her a briefing from departmental officers on the range of issues. If she has further questions, I am happy to cop them.

DR FOSKEY: Mr Speaker, I have a supplementary question. How will the government establish timelines and targets through which progress can be monitored and evaluated?

MR HARGREAVES: As I have just indicated, there is a range of issues, strategies and commitments that came out of our commitment on affordable housing; the homelessness strategy was just a part of it. There is such a raft of them that I do not propose to stand up here and list the lot. I am sure that the briefing offered to Dr Foskey will address that for her in detail.

Vocational education and training

MS PORTER: My question is to the Minister for Education and Training. Minister, could you inform the Assembly about the impending abolition of ANTA on 30 June 2005, and the effect this will have on providing quality vocational options for young people and our ability to address the current skills shortage.

MS GALLAGHER: I thank Ms Porter for the question. Members of this chamber will be aware that the federal government decided unilaterally to abolish the Australian National Training Authority from July 2005. The Prime Minister and Minister Nelson have indicated that the functions of ANTA will be incorporated into the general departmental work of the Department of Education, Science and Training. At this stage, the federal minister says there will be a national VET ministerial council but has failed to provide any detail to the states and territories on essential details such as meeting frequency, the powers and responsibilities.

ANTA was formed in 1992 to ensure that all stakeholders had a say in VET policies, programs and outcomes. For this reason ANTA operated under a broadly based board and provided extensive research and secretariat functions to the ANTA Minco. Industry groups are represented through ANTA, as are trade unions, small and large stakeholder interests, and indigenous and other specific interest groups who have a direct relevance to Australia's VET system, through their representation of apprentices and interest in industry viability. The federal government rather than recognise this reality is instead pursuing an agenda against a cooperative and inclusive approach to the development and administration of national VET policies and strategies, as they are attempting to sideline important stakeholders from future debates in vocational education and training.

In abolishing ANTA, Australia will lose another of its unique national cooperative forums, where stakeholders have a real say, and are able to hold accountable federal, state and territory governments to work closely with industry and to deliver the skilled work force essential to Australia's future prosperity. The scrutiny of government policies and fundings are progressed through these forums. ANTA is one of the key transparency measures for ensuring that we have a VET system which meets the needs of the economy.

Just as the federal government abolished the National Occupational Health and Safety Council, they are now pursuing ANTA. Members will be aware that the key funding relationships between the states, territories and commonwealth have been worked through the ANTA structure. This has included arguing for increased resourcing for VET through the ANTA agreement—the triennial funding agreement between the Australian government and states as agreed by ANTA Minco.

Since the days of the Whitlam government, the federal government has assumed a major funding responsibility for the VET sector. But the current federal government refuses to accept this responsibility and refuses to accept any criticism of its position and those involved in the direct delivery of VET services from industry and from members of the ANTA board. The dispute between all states and territories and the commonwealth is about one thing—the Howard government's refusal to live up to its responsibility to adequately fund the rapidly growing demand for apprenticeships and traineeships.

Mrs Dunne interjecting—

Mr Speaker, Mrs Dunne constantly interjects. I am trying to think who the shadow minister for training is in the Smyth opposition and I cannot think who it is. I think it might be Mrs Dunne, but I have not heard a peep out of Mrs Dunne about training in the ACT, other than interjecting in this question time because she does not like what I am saying. She does not understand the training system. She has not made a comment about the training system. I think she probably is the shadow. I am sure someone can answer that one for me. We have not heard a peep out of her. She cannot accept the reality of what is happening here in the training system. This is another example—

Mr Smyth: I rise on a point of order, Mr Speaker. Under standing order 118 (b) the minister is now debating her own point of order, which I think is probably out of order. She should actually be answering the question.

MR SPEAKER: Yes, I guess the minister should not respond to interjections from the shadow minister and it might be a good idea if the shadow minister did not interject, as I have tried to point out. I trust that Mrs Dunne will take note of that. The minister will confine herself to the subject matter of the question.

MS GALLAGHER: The Commonwealth points the finger of blame at the states saying that their refusal to sign up is about the states refusing to accept accountability requirements in their offer, and it simply is not the case. The states, for very good reasons, do have serious problems with a number of the areas contained in the proposed agreement. Provisions inserted for only one reason—to create disagreement on as many fronts as possible, to draw the attention away from the real issue, which is the failure to live up to its responsibility to adequately fund VET growth. The ACT government has this year alone injected \$5.1 million into the training system in the ACT—something that has not been matched by the commonwealth, has not even come close to by the commonwealth. This is because of the demand we are seeing in growth in VET. The commonwealth is refusing to accept that there is any growth in VET, instead making us an offer of what we get under the agreement with CPI indexation, essentially.

MS PORTER: Minister, how will the abolition of ANTA impact on students in the ACT?

MS GALLAGHER: Thank you, Mr Speaker, and I thank you for the opportunity to finish my answer to the previous question. This will have a serious effect on students in the ACT. It is one area in education and training where all industry groups, unions and governments work together. When you are involved in consultations and discussions around agreement, ANTA sticks out as the one that everyone works cooperatively on. You can ask any industry person whether they get on with trade unions or state governments in this area and they will say, “Yes”, because it is an area where we work together. Unfortunately that is not the environment the federal government would like to see continue. It is not an area that the federal government is funding appropriately and that will have a significant impact on the ACT.

The Howard government’s offer to the states includes our accepting the mandatory adoption of the national building and construction industry code, with policies aimed to

bring more skilled overseas workers into Australia, despite evidence of more and more young people here wanting to gain a vocation. It includes the creation of 24 new technical colleges, which are designed and placed, interestingly, in marginal seats, and, not only that, are aimed at undermining the state and territory TAFEs. A technical college is to be established in Queanbeyan. That will have significant impact on the Queanbeyan public school system and we think an impact on the ACT CIT.

This is the redefinition of user choice to hide the real disempowerment of young Australians through vocational education. It is interesting that yesterday we had a discussion on compulsory student unionism in universities. Under the most recent commonwealth proposal, which we will be discussing next Friday, 15 April, there was a laughable redefinition of user choice. Currently young apprentices and trainees in the territory have the right to choose their training provider. This is something that the previous federal government pushed very heavily but under the proposals of this offer, that system would be scrapped and employers would be the ones who have the sole choice in training arrangements.

On the one hand, compulsory student unionism in universities is to be abolished in the name of student choice and on the other hand the rights of apprentices and trainees to choose their training provider is abolished—again, in the name of student choice. We listened to those opposite yesterday talk about freedom of association and choice; so we know they would support students being able to choose their own training provider. Unfortunately, you will be at odds with the people that give you your instructions every day, but there you go. This is an area where all stakeholders, regardless of backgrounds, work together in harmony in the interests of skilling young Australians, skilling all Australians. It is particularly disappointing to watch this system being abolished to make way for a system that seeks to exclude critical and willing stakeholders.

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

Supplementary answers to questions without notice

Disability services

MR HARGREAVES: Yesterday, Mrs Burke asked me whether any of the 15 unsuccessful applicants were set to receive emergency funding because they did not receive funding under an ISP. My answer is that none of the 15 applicants who were short-listed for ISP grants and who were unsuccessful received emergency funding. However, a number of unsuccessful applicants are already linked into support and alternative service providers and we will continue to work towards improving their outcomes over the longer term.

Housing

MR HARGREAVES: Mr Speaker, I was just contemplating the offer of a briefing for Dr Foskey. I do have some information. I know that Mrs Burke has an interest in this sort of stuff and I thought I should take the opportunity to give some information. The question, essentially, was about how we were responding to the strategies of the affordable housing task force. The government announced a number of affordability initiatives in the 2003-04 and 2004-05 budgets and additional appropriations. The 2003-04 budget provided \$13.4 million over four years to address homelessness. There

was funding for replacement of the 81 public housing properties destroyed in the bushfires.

We will put in \$1.6 million over four years for emergency funding. Public and community housing will receive an extra \$20 million over four years for affordable housing options. To reduce the tax burden on rental properties, we have put in \$5.2 million. As to home ownership, in revising the eligibility for stamp duty concessions we have put in another \$5.2 million there. As to land, we will have targeted land releases of 500 blocks over five years for first home buyers and people on low to moderate incomes.

A seminar organised by the government's housing advisory committee was held on 17 June 2004 to discuss future trends and housing affordability. Community input was sought on recent government actions, the government's response to recommendations of the task force report and issues facing the future delivery and supply of affordable housing.

In July 2004, the redevelopment of the rural villages burnt out by bushfires at Uriarra, Stromlo and Pierces Creek was announced. We hope that the redevelopment will include public housing and former public housing tenants will be offered properties in the new village. That could be progressed a bit faster if the NCA would back off Pierces Creek.

A further government response to the report of the affordable housing task force of May 2003 was released on 26 August 2004. In this response the government agreed to a further 10 recommendations of the task force, resulting in a total of 33 recommendations being agreed to, nine agreed to in principle and four noted for further investigation. An interdepartmental committee continues to oversee the implementation of the government's response, which is part of the answer to Dr Foskey's question.

The government has incorporated a provision in the City West master plan that aims to ensure that a minimum of five per cent of the residential accommodation established through the master plan will be offered to low and medium income earners and, where possible, will be managed by affordable housing providers. ACTPLA has released the first block in the City West area—block 1 of section 90—without any affordable housing requirements. Interagency negotiations are well under way to develop mechanisms to ensure that future releases will contain affordable housing provisions.

More flexibility in the source of capital funds available to social housing will be achieved through the use of funding from the ACT home loans portfolio. The availability of equity funds from this portfolio will be reviewed biannually, potentially resulting in an annual injection of between \$2 million and \$5 million for social housing purposes.

Housing ACT is implementing improved procurement procedures for acquiring new Housing ACT properties. Rather than using a prequalified panel of home builders for the construction of standalone public housing dwellings, the open market will be utilised to achieve significant cost savings.

On 9 September 2004 the government released *Housing people, building communities*, a report that details the action it has taken over the past three years to address housing

affordability. It is noteworthy that nothing was done prior to that. It was, in fact, the Stanhope government that started off the whole thing. Low income earners have more options for affordable housing after the opening of a 28-unit development in Gungahlin on 29 September 2004. The complex was built by Community Housing Canberra after a direct sale of land to it by the government.

As part of the government's commitment to targeted land releases for low to moderate income earners, the Land Development Agency is holding a number of moderate income land ballots for those with a household income of up to \$100,000, with an additional allowance for dependent children. The first was held on 4 December 2004, at which 26 blocks of land were offered. The next ballot is scheduled for 30 April 2005, at which 13 blocks at Wells Station in Harrison and 24 blocks at Ginninderra Ridge in Dunlop will be offered. Dr Foskey, that gives, I would hope, a fair idea that we have not been sitting on our hands, but have actually been getting on with doing quite a few things.

Privilege Statement by Speaker

MR SESELJA (Molonglo): Mr Speaker, I seek your clarification. The statement you tabled during question time does not appear to be perhaps the one you meant to table. I asked you for the advice you had received from the Clerk and the document tabled appears to be the statement you gave to the Assembly this morning.

MR SPEAKER: I think that you need to understand how my office operates when I receive a piece of correspondence. By the way, members should not take this as a means by which they can add to supplementary questions to ministers. This is about a proposition which has been put to me and which I am happy to answer because, if it comes to a motion, I do not get a chance to speak; but if somebody asks a question, I can rightfully respond to it.

When Mrs Dunne's letter came to me last evening, it was sent to the Clerk posthaste and this morning we had a wide-ranging conversation about the options that would be available to me, given the issues that have been raised by Mrs Dunne. Subsequent to that discussion, I decided on the option I would pursue.

It was open to me to find that this matter warranted precedence but, on the evidence and the custom and practice in this place, I formed the view that the most important aspect of any of my consideration was whether members were improperly influenced in the way they performed their duties and I formed the view that, on balance, the matter did not warrant precedence. Subsequently, the Clerk prepared the statement that I gave to you and on which you will find some scribbled additions. That was the statement I tabled today.

MR SESELJA: So there was no advice given by the Clerk?

MR SPEAKER: Of course there was. There is always advice given by the Clerk, Mr Seselja.

MR SESELJA: With respect, that was the question asked, Mr Speaker.

Mr Corbell: He has just answered the question.

MR SESELJA: I do not believe that he has.

MR SPEAKER: Of course there is advice given by the Clerk and the Clerk would advise me on how I might pursue options. I chose the option that you find in the statement. I cannot see how I could add further, unless I was to add some controversy to it that you might be able to play with.

Personal explanations

MR SMYTH (Brindabella—Leader of the Opposition): Mr Speaker, under standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Certainly.

MR SMYTH: Mr Speaker, during question time, Minister Corbell said that the previous government had done nothing in Civic and that I, as planning minister, had done nothing in Civic. That is incorrect. I am willing to cite a list of things that we had done, including the *Our city*, *Creating our city* and *Building our city* documents, the link refurbishment, the playhouse rebuilding, section 40, the section 56 redevelopment, the commencement of the honour walk, and our street art, including Ainslie's sheep and the cushion.

MR SPEAKER: That is hardly a personal explanation.

MR SMYTH: But there is more, Mr Speaker. There is the big screen. There is the Civic bus shelter. There are the cafes.

MR SPEAKER: Order! Resume your seat.

Auditor-General's Report No 1 of 2005

Mr Speaker presented the following paper:

Auditor-General Act, pursuant to subsection 17 (5)—Auditor-General's Report No 1/2005—Management of Government Grants to the ACT Multicultural Council Inc., dated 6 April 2005.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): I ask for leave to move a motion to authorise publication of the report.

MR SPEAKER: Is leave granted?

Mr Smyth: Yes, Mr Speaker, we will extend that courtesy to the minister.

MR SPEAKER: Leave is granted. Thank you, Mr Smyth.

Ms MacDonald: You shit.

MR CORBELL: I move:

That the Assembly authorises the publication of the Auditor-General's Report No 1/2005.

Mr Smyth: You should withdraw that. Mr Speaker, Ms MacDonald was swearing in the chamber and she should withdraw the comment.

MR SPEAKER: I did not hear it.

Ms MacDonald: I am happy to withdraw it.

Question resolved in the affirmative.

Papers

Ms Gallagher presented the following paper:

Workers Compensation Amendment Bill 2005—Human Rights Act, pursuant to section 37—Compatibility statement, dated 5 April 2005.

Matters of public importance

Ruling by Speaker

MR SPEAKER: Members, this morning Mrs Burke, Mrs Dunne, Mr Mulcahy, Mr Seselja, Mr Smyth and Mr Stefaniak lodged matters of public importance for discussion today. Were it not for other matters earlier this morning that caught my attention, I would have read this ruling out at that time. I have considered the MPIs and have ruled them out of order. The MPIs concerned matters that were not within the scope of ministerial action. I urge members to seek the advice of the Clerk when considering lodging MPIs.

Lifeline Canberra

Discussion of matter of public importance

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

The importance of recognising the valuable contribution Lifeline Canberra makes to the ACT community.

MS MacDONALD (Brindabella) (3.28): Mr Speaker, for more than 30 years, Lifeline Canberra has been providing our population with counselling support and advice 24 hours a day, seven days a week. A lifeline to thousands of people each year, Lifeline Canberra offers an important variety of services to all age groups. The services range from crisis telephone counselling to Youthline, suicide prevention programs, financial counselling, gambling counselling, and gambling care.

Lifeline is there when many other services are closed and, most importantly, is non-judgmental, informative and immediately accessible for everybody. Those needing someone to talk to need only to call 13 11 14 and they will be put in touch with a trained telephone counsellor who will help talk clients through their issues. They listen with care and acceptance, whatever the issues may be.

It is important to note that the majority of the training telephone counsellors are volunteers. These people are to be congratulated and thanked for their tremendous dedication and support. Twice a year, Lifeline Canberra offers a comprehensive telephone counselling development program for volunteers and also specialised customised telephone counselling training. I urge anyone interested in counselling who is not already a Lifeline volunteer and has the time to take advantage of these training sessions.

With more than 40 Lifeline centres located throughout Australia and more than 235 centres around the world, Lifeline provides an invaluable service to millions. It has not been an easy few years for Canberrans and other Australians—in fact, the world in general. Many people have felt the traumatic effects of events such as September 11, the Bali bombings, the January 18 bushfires, the ongoing drought, the war in Iraq and, most recently, the Boxing Day tsunami and the ongoing threat of terrorism. I would add to that the events that occurred on the weekend. I am sure that they will have had an impact as well.

The closest issue to home for Canberrans, the January 2003 bushfires, left the entire community shattered. Four people lost their lives, more than 500 homes were lost and millions of dollars worth of property was damaged. Families were left devastated, with little more than the clothes on their backs. Lifeline became a support for many people during the initial period after the fires and will continue to provide long-term support and counselling to the Canberra community during its time of need. In fact, calls to the service have increased by 75 per cent since the January 2003 bushfires.

Alarmingly, there has been an 80 per cent increase in suicide-related calls to Lifeline Canberra. More and more people in our community are finding it difficult to cope with everyday stresses, relationships and responsibilities. This further proves the need for, and importance of, Lifeline Canberra in our community.

On this point, it was encouraging to see that in the ACT government's 2004-05 budget, suicide prevention was targeted as a major area of mental health funding, with \$1.373 million being allocated over four years. Importantly, this initiative includes the employment of a full-time prevention project officer to develop strategy and promote a more coordinated approach to the management of self-harm and suicide in the ACT. Hopefully, that will begin to address the traditional shortfalls in the management of mental health as well as provide for a healthier, happier and more tolerant community.

Lifeline has commented that only about one out of three of the people with a mental health disorder are accessing care. This was similarly recognised in the ACT's development of the mental health strategy and action plan in 2003. Within the 2004-05 budget allocation, the government has aimed to remedy this problem by providing

funding to several mental health and counselling services, including the OzHelp Foundation and Lifeline.

The Stanhope Labor government has always been a strong supporter of Lifeline Canberra and its services. With addictive gambling on the increase throughout Australia, including the ACT, the importance of gambling and financial counselling is paramount. Lifeline gambling and financial counselling services receive \$165,000 in funding each year from the ACT government. In the 2003-04 financial year, the service provided over 1,000 hours of counselling and support to problem gamblers and their families. Gambling Care gives people who suffer from problem gambling or financial troubles the opportunity to discuss their problems and identify possible solutions. Counsellors offer long-term advice and help people improve their general financial management skills.

The innovative program Clubcare, which involves Lifeline, 11 Canberra clubs and ClubsACT, is a practical approach to providing problem gambling services. The Clubcare initiative allows anyone who chooses to gamble to do so within his or her budget in a safe and enjoyable way. It provides training for staff, counselling for patrons and professional services to management of the 11 clubs affiliated with Clubcare. With the support of ClubsACT and affiliated clubs, Clubcare has been able to expand its gambling counselling services and provide high-quality training to staff in the provision of responsible gambling.

The government has also provided recurrent funding to Lifeline to continue the Canberra Emergency Accommodation Service in partnership with Anglicare. The service allows people in need to call a single telephone number to receive information and access to emergency accommodation provided by a range of shelters across Canberra. It is such a simple idea and one that has greatly helped those in need of accommodation.

Lifeline Canberra also provides support and advice to Canberra's young people. In 2003, the Lifeline Youth Network X, or LYNX, was established and Youthline was incorporated into Lifeline. LYNX aims to improve the resilience and general wellbeing of young people in the Canberra region and has so far been involved in training young people in accident counselling skills, in raising awareness of youth suicide and of Lifeline as a support for young people, in educating teachers in ways to engage and support young people, and in developing mentoring and other programs to create resilience in Canberra's youth community. LYNX is another valuable service Lifeline provides to our community.

Lifeline's annual autumn book fair begins tomorrow and will run until Sunday. Located in the Budawang Building in Exhibition Park, the book fair is an essential fundraiser for the service. A major portion of the funding required to keep Lifeline's telephone counselling lines available to the community comes from the sale of donated second-hand books at book fairs. More than 150,000 books are usually donated and the fair is made possible only through the work of volunteers who pick up, sort, prepare and price the books all year round. The book fair's organiser, Ric Bennett, also works all year round to ensure that the fairs are a success. After the autumn fair, preparations will begin again for the spring book fair, which is due to be held on 23 to 25 September this year.

I would urge everybody in this place to lend assistance to help make the Lifeline book fair a success. While it is too late to do so for this weekend's book fair, books for the spring book fair can be dropped off at the Belconnen, Griffith or Queanbeyan libraries and the Lifeline warehouse in Mitchell, or Lifeline couriers can pick up the books. People can also volunteer to help out during the fair by selling books and restocking shelves. Again, I would urge everyone to become involved in this worthy cause. Of course, it assists those people who are bibliophiles and book lovers all round to be able to go there and purchase books from the Lifeline book fair. I know that I am looking forward to being able to get along there this weekend and purchase some books for my bookshelves, which are already groaning, but I am sure that I will find room for a few extra.

Finally, I commend and thank Lifeline Canberra and all those associated with the service for providing constant advice and support to the ACT and surrounding regions. Lifeline Canberra certainly is a valuable part of our community and one that I know this community cannot do without.

MR SMYTH (Brindabella—Leader of the Opposition) (3.37): Mr Speaker, before we discuss Lifeline and what it actually does, it might be nice to acknowledge that in the chamber today we have representatives of Lifeline's staff and board and I would be very pleased if they could take back to the staff, the volunteers and the board the best wishes certainly of the opposition and I am sure all other members of the Assembly, and the gratitude and thanks that the community has for what they do. You are to be congratulated, ladies and gentlemen.

Mr Speaker, some not-for-profit organisations have achieved a pre-eminent position in our community. One of those is Lifeline. Lifeline is an Australian institution. I think that that is why people trust it and why people use it. People who are in trouble think of Lifeline, people who are in need of quick assistance think of Lifeline and people who are not necessarily mobile and are not conveniently situated think of Lifeline. I think that they do that because over the years Lifeline has developed a reputation for delivering what people need and remaining in touch. Often organisations do not change and the community does, but Lifeline is one of those organisations that have been able to grow with their community.

Lifeline Canberra has established itself as a significant contributor to our local community. Lifeline Canberra has been providing a telephone counselling service to this region since 1971, more than 34 years, and it now provides a range of services. It has a crisis phone service—the core telephone counselling service—available 24 hours a day. It has a youth support network. It assists people with gambling problems, including the Clubcare program it runs with a number of ACT clubs. I think that the Clubcare program is an indication of the level of support that this organisation has from its community. Lifeline Canberra provides financial advice and advice on suicide prevention.

To put Lifeline Canberra into a national context, it is part of 42 Lifeline centres located in metropolitan and regional centres around Australia. They utilise more than 10,000 volunteers; they are the backbone of the provision of services offered by Lifeline. Again I offer our thanks to our local volunteers. It would be fabulous if they could pass

that on to the 10,000 or more volunteers around the country. Nationally, Lifeline receives more than 1,300 calls each day. During the 2003-04 financial year it received more than half a million calls.

I think that it is pertinent to recall the foundation values of Lifeline because I think that they are what have made Lifeline so successful and why it continues to be relevant in our community. The core foundation values were based on Christian heritage. Lifeline was the vision of the Reverend Dr Sir Alan Walker in the mid-1960s. He saw Lifeline as an expression of the ministry of Christ to the world, reaching out to those in need. The beauty of Lifeline is that it has never worn that as a badge and it has never been seen as a particularly religious organisation. Lifeline is known to be inclusive, and I think that that is its great strength—people from different faiths and backgrounds and differing spiritual journeys work side by side, representing the whole community, and from that the whole community benefits.

Lifeline recognises that every person is valuable and worthy of affirmation and support and it is committed to overcoming oppression, exploitation and discrimination. Lifeline acknowledges a wide range of problems that people can experience—everything from relationship breakdowns to attempted suicide, loneliness, anxiety, different addictions, health problems and bereavements—and Lifeline recognises the reality of pain and suffering. It seeks to work with people to heal and renew hope in their lives.

Integral to achieving these aims is, in fact, the role of counselling, of there being a dialogue between people—because often the root cause of the problem for so many of the folk that seek Lifeline help is a sense of isolation—of a relationship being developed between people so that those in crisis know that there is at least one person, even if they are at the end of the phone, who will assist them. Ultimately there is a strengthening of a sense of community that will tackle the issues of loneliness and isolation.

Lifeline Canberra performs an incredibly valuable role within our community. I acknowledge the Christian basis to Lifeline as a great base; I think the diversity of interests of those who provide the services at Lifeline is one of their great strengths; and I think the multitude of different people and cultures served by Lifeline is one of the great benefits to our community.

The other side of Lifeline that all of us get to enjoy and love is the potential of the Lifeline book fairs. As Ms MacDonald has mentioned, we are about to be served up another gala event at the Budawang Building over the weekend and I would certainly urge the Canberrans who value, love and want to contribute something to the Lifeline service, to use the old phrase, to do themselves a favour and get down to the book fair. They will actually get the opportunity to buy some great books. You could spend a lifetime at the book fair itself hunting through the various collections and various selections, but what you are also doing is backing them up by giving them what they need, that is, cash.

The recent travails, particularly with Telstra, have been unfortunate, but I think the overwhelming support that the community came through with by saying that it values Lifeline as a service is an indication to groups that they need to continue to support Lifeline. On behalf of the Liberal Party, the parliamentary party, and all the people of

Canberra, I offer Lifeline the thanks and support of the community that Lifeline supports and commend the motion to the Assembly.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.43): I rise to support the matter of public importance today about the valuable contribution Lifeline Canberra makes to the ACT community. At the risk of repeating some of the things the Leader of the Opposition has said, I would like to underscore some of the contributions that Lifeline makes.

Every hour of every day for over 30 years Lifeline's trained volunteer telephone counsellors have been available to the people of Canberra. Since 1971, its mission has been to enhance the wellbeing of the community by providing telephone counselling. I can remember when it kicked off in 1971. People call Lifeline for many reasons. Some call to talk about their relationships and problems they are experiencing. Some people call about feelings of suicide and loneliness. Some people call looking for help with addictions or a bereavement and many people call to gain information and referrals to appropriate services, while others call because they just need someone to talk to, a lifeline.

The ACT government recognises that people experience disadvantage. Homelessness, unemployment and poverty are an unfortunate part of the Canberra community. As we work towards alleviating their impacts—I highlight the importance of the Canberra social plan in achieving this—we still need services to assist some people to reach their full potential, make a contribution and share the benefits of our community.

Lifeline counsellors provide skilled, sensitive support to callers at a time when a situation has overwhelmed them. They listen with care and acceptance, whatever the circumstances. It is one of the services that people call when everything is at its absolute blackest, when some people have no idea where to turn to. We need sometimes to pause, recognise and celebrate the fact that Lifeline does just that. When people are in a black room with their back to the wall and have no-one else to turn to, often they turn to Lifeline.

Mr Speaker, the professionalism of Lifeline Canberra is underpinned by its commitment to the ongoing professional development of staff and volunteers. In 2003-04, 77 people completed the initial counsellor development program to become probationary counsellors. Counsellors at Lifeline continue their professional development with a wide range of workshops and training made available to them. Anyone calling the service can be assured that they are talking to someone who is well equipped to provide appropriate support and sound guidance.

As a 24-hour service, Lifeline is there when other services are closed. I know that many services and private practitioners refer clients to the Lifeline service for support between appointments and after hours. In a sense, Lifeline is as much a safety net for those professionals who work nine to five as it is for the people who ring Lifeline. I wonder how often those people who rely on Lifeline as that safety net express their understanding and appreciation. I bet they do not do it that often.

In 2003-04, Lifeline answered a staggering 20,635 calls. Telephone counsellors spent 475,000 minutes providing counselling and listening to people of the ACT and the region, 3,250 counselling shifts were filled by at least one telephone counsellor and 77 new telephone counsellors were inducted into the service, as I have said. This is a huge contribution to the health and wellbeing of our community.

The ACT government provides important financial support to Lifeline. The funding provided recognises the quality of the service and the valuable role that Lifeline Canberra plays in strengthening our city and our community. In 2004-05, the 24-hour crisis telephone counselling service received funding of \$175,000 from the ACT government. Lifeline also receives funding of \$165,000 a year to provide Gambling Care, a free gambling and financial counselling service.

That is another vital service. ACT residents who experience gambling addiction are helped to develop skills and supported to manage debt and financial commitments. I understand that Lifeline negotiates with creditors on behalf of clients, exploring options such as reducing payments, loan consolidation, bankruptcy and improving general financial management skills. In 2003-4, Lifeline provided 1,053 hours of counselling and support to problem gamblers and their families.

Clearly, Lifeline Canberra is an important player in understanding the causes and impacts of gambling on individuals and families of the ACT. I am pleased to note that Lifeline Canberra is represented on the ACTCOSS gambling reference group and the National Association for Gambling Studies. These groups partner with the ACT government in working towards a better understanding of the causes and effects of, and responses, to gambling addiction.

Throughout 2003-04, Lifeline provided community education in relation to gambling at 46 events, including 11 sessions on gambling being provided to Lake Tuggeranong College. That was a first for the college system and it demonstrates Lifeline's recognition that working with young people on early intervention as prevention is a front-line response to alleviating the impacts of problem gambling.

Gambling Care has recently undertaken a six-month project to develop and strengthen relationships with service providers and clients from culturally and linguistically diverse backgrounds. The project aims to reduce social isolation amongst people from culturally and linguistically diverse backgrounds who may be facing hardships resulting from problem gambling.

I think it is worth talking about Clubcare. Clubcare is an innovative partnership between Lifeline Canberra and more than 20 licensed clubs across the ACT to ensure that gambling venues offer responsible environments for patrons who gamble. Club patrons can call Lifeline during business hours and speak to a Clubcare counsellor about anything to do with gambling for themselves or a family member or friend. Participating clubs have put up signs around gambling areas offering tips about responsible gambling. In 2003-04, Clubcare trained 800 club staff in the provision of responsible gambling services and launched the inaugural responsible gambling awareness week.

In recognition of the expertise of Lifeline Canberra in providing quality telephone counselling services, in 2004-05 the ACT government provided recurrent funding to Lifeline to continue the Canberra Emergency Accommodation Service pilot project in partnership with Anglicare. This service works with Anglicare and other supported accommodated assistance program providers and is another example of Lifeline's ability to form innovative partnerships.

In this partnership, Lifeline provides a telephone information and counselling service that assists people who are homeless or at risk of homelessness to access crisis and emergency accommodation options. Lifeline receives \$88,550 to provide this service. Anglicare provides access to accommodation and support, which includes overnight accommodation in caravans and motels, to provide an immediate response to homelessness. In 2003-04, the CEAS project answered 2,500 telephone calls in response to people seeking information or counselling in relation to homelessness.

The ACT government has developed a community-wide framework in *Breaking the cycle—the ACT homelessness strategy* to deliver a continuum of services that respond to the causes and effects of homelessness. Lifeline's role is to make the process of seeking information and assistance with emergency accommodation easier. Lifeline Canberra also received \$64,000 to provide the Lifeline Youth Network X—LYNX—program. This service is better known under its former name of Youthline.

Mr Speaker, we can talk about the way in which the government is providing plenty of financial support to Lifeline but, at the end of the day, if the people who make up Lifeline did not do what they do we would have nothing to support. We recognise the worth of the contribution that Lifeline makes to very critical issues in this town. I could probably spend twice as long listing all the things they do and talking about how much money Lifeline has received from successive governments over the years to make sure that it remains in existence. As I said, Mr Speaker, I was here when it kicked off and I sincerely hope that it will be here forever. I was really glad to see that Telstra came to its senses and continued its support. Instead of having funding taken away, Lifeline should be given an award.

MRS BURKE (Molonglo) (3.53): I rise to support Ms MacDonald's worthy MPI highlighting the valuable work and support systems Lifeline puts in place for the benefit of all Canberrans, especially for people who are most vulnerable and require high levels of support to put them back on track. I acknowledge, and it is pleasing and encouraging to see, Ms Marie Bennett, executive director, along with other staff and board members, in the public gallery. We often debate things like this but we do not often get the opportunity to meet face-to-face those people that we are trying to support.

It must be recognised that recently Lifeline's longer-term viability came under threat due to a review of funding arrangements with a major sponsor. A couple of members have spoken about that. It is important to note that this matter was resolved and it would appear that a feasible agreement has been entered into for the benefit of both parties. I think Mr Hargreaves is quite right: public outcry is often worth doing and oftentimes we see good outcomes. But I will put aside financial matters, although I know money is a very big thing when running organisations like this.

Lifeline is a vital form of pastoral care, its origins coming from the inspiration of a Methodist, Reverend Dr Sir Alan Walker—I think the Leader of the Opposition, Mr Smyth, mentioned this as well—who, drawing from personal experience, decided to reach out to people via a lifeline, giving them the opportunity to call in to discuss issues of concern and just to be heard by an empathetic and understanding person on the other end of the phone line.

From these humble beginnings of a benevolent service in 1958 emerged this unique Australian service, eventually becoming a worldwide organisation with over 300 Lifeline centres operating across 15 countries. Lifeline is a values-based organisation—values that have become the key to the development and recognition of the important work it is faced with. At the heart of this, Lifeline embraces the notion that everyone has the right to be heard, understood and cared for. It is a unique service incorporating one-on-one communication between a counsellor and a caller, aiming to empower the caller with the belief that someone does want to listen, does not want to judge in any way and does want to find solutions to a problem or ways in which to cope with a specific personal situation.

I know that numbers have been mentioned, but it needs to keep being said for the public record that the number of calls to Lifeline in the ACT in 2004 had almost doubled over three years. Mr Hargreaves gave the facts and figures on the staggering volume of calls that Lifeline deals with on an ever-increasing basis, and we should never forget that the demands on this organisation are ever increasing.

What can be of value to government, in some cases, is that Lifeline not only seeks to help people overcome their own challenges in life but also is in a unique position to track the needs and experiences of all callers whilst, of course, still maintaining the integrity of privacy issues. Government can look at this information to ascertain any shift in social trends and to observe how its policy initiatives are working or not working and can therefore improve vital services across, for example, the community services sector in the ACT.

I am sure Ms Porter would agree with me that volunteers are the backbone of Lifeline, as they mostly are in other similar organisations. We all rely on the generous support and effort of volunteers in many of the services and activities in which we engage in the ACT. As highlighted by the United Nations Volunteers, UNV, volunteering brings benefits to both society at large and the individual volunteer. It makes important contributions economically as well as socially. It contributes to a more cohesive society by building trust and reciprocity among citizens. Greater significance needs to be placed on how volunteering can impact on public policy and how government can maximise volunteerism as a way in which people can make a contribution to society.

As we all know, giving our time and effort can be one of the most rewarding experiences in life. If we choose to volunteer, we can see a real, positive effect on our community and, most importantly, ourselves. This can be seen in context as a lifelong journey of caring, to discover how we as individuals can learn about the different service opportunities available, explore the many facets of volunteering and then ultimately decide on what level we contribute to the greater good of our community.

This MPI certainly highlights the importance of supporting organisations such as Lifeline, both financially and physically, to ensure that they can continue to have a positive effect on our lives. I realise Lifeline is involved in so many excellent programs but, as I think those in the public gallery would know and I think the minister would know, I have a particular affection and affinity with CEAS, the Canberra Emergency Accommodation Service. That has been an excellent joint venture and one that we should perhaps really be focusing our efforts on more and giving more support to. I have been able to refer people so successfully to that organisation with the full confidence of knowing that people do get the support and help they need, so I commend that joint venture to the Assembly.

There is no doubt that the contribution that Lifeline makes to the ACT is vital. It is a shining example of community spirit. We as members should continually be giving elevation in the Legislative Assembly to such organisations, as an example to the wider community that the efforts of volunteers in particular are commendable and indeed can be personally rewarding. So I do thank Ms MacDonald for bringing this forward today. Things like this are worthy of our time and of debate.

Finally, may I personally wish Marie Bennett and her team every success and thank them for bringing hope and comfort to the many people who reach out to them for help in time of need.

DR FOSKEY (Molonglo) (4.00): I am going to abbreviate my prepared speech to some extent because I do think that we are all tending to say much the same things. In order that everyone has an opportunity to speak, I will oblige by abbreviating my speech.

The ACT Greens support the work of Lifeline Canberra and recognise the valuable contribution that it makes with the range of services it provides, as mentioned by Ms MacDonald, Mr Smyth, Mr Hargreaves, Mrs Burke and now me. Lifeline, as we know, is the only 24-hour telephone counselling service, is the primary provider of support to people with gambling problems and has an important role in suicide prevention, emergency accommodation and support for young people.

Lifeline is a very important thread in the fabric of social services in the ACT and in a sense it weaves a lot of disparate services together. I would like to congratulate Lifeline on some recent achievements: the reaccreditation against the Lifeline Australia standards; the success of CEAS, which now has ongoing commonwealth and ACT funding; the success and expansion of the Clubcare program; the successful piloting of a mentoring program for young carers as part of the Lifeline youth network services; and securing a Canberra Community Foundation grant to develop and strengthen relations for service providers and clients from a culturally and linguistically diverse background. We all know that Lifeline Canberra is considerably respected amongst other community organisations. It is widely respected for its professionalism and its capacity to mobilise a large number of volunteers.

I believe that, in recognising the valuable work of Lifeline, the government might consider increasing the resources available to the organisation to increase the capacity of existing services and address current gaps in social services. For instance, I understand that Lifeline's telephone counselling service has experienced a considerable increase in

calls over recent years. The number of calls in 2003-04 was nearly double the number of calls in 2001-02. There has been an enormous increase in calls relating to suicide. I would be interested to know whether ACT government funding has increased commensurate with the demand.

There are occasions when people calling Lifeline's crisis telephone service, including those experiencing homelessness, are unable to be referred to appropriate services because all services are full. This is very difficult for the person concerned and all of those involved in supporting that person—for example, case managers and social workers. This highlights the need for ongoing mechanisms to monitor unmet need and direct resources to address that need.

The gambling care program funded by the Department of Disability, Housing and Community Services does an excellent job but has limited capacity. The information I have indicates that the funding provides for just one full-time management position, one part-time gambling counsellor and one part-time financial counsellor. Limited resources can result in delays for gambling counselling, when timely access would have considerable potential for benefit. Given that we have over 5,000 people experiencing gambling problems in the ACT that we know of, and just 252 accessed the gambling care program in 2003-04, there is significant scope for expansion.

Gaps that have been identified in the past include: no after-hours gambling counselling services; no regional counselling services, that is, in the surrounding regions of the ACT, particularly Queanbeyan; and the lack of capacity for education in prevention strategies. In addition, recent research by the Centre for Gambling Research titled *Help-seeking by problem gamblers, friends and families: a focus on gender and cultural groups* identified the need to expand the quantum and diversity of support available to people experiencing gambling problems to include a coordinated network of cultural-specific services and gender-specific initiatives and that education about problem gambling and the support services available should be directed to friends and families, including cultural communities. I hope to see these recommendations acted upon in the future and I am sure that Lifeline has an important role to play as a major provider and innovator in gambling support in the ACT.

I have raised these issues because I think it is important not just to identify the valuable role that Lifeline play but to consider how we may assist them to improve their services even further. I express my support for their work and, of course, encourage everyone to attend the book fair this weekend as a way of assisting this valuable organisation to raise funds.

MS PORTER (Ginninderra) (4.05): I wish to add my support for Ms MacDonald's and Mr Hargreaves's words in recognising the valuable contribution Lifeline Canberra makes in supporting the ACT community, and in acknowledging those from Lifeline that have joined us this afternoon in the public gallery.

Mr Hargreaves has outlined the ACT government's support of this organisation through the provision of funding to Lifeline's many services. I want to add my support for Lifeline by drawing members' attention to Lifeline Canberra's vital role in relation to emergency and crisis responses to critical incidents, in particular the January 2003 bushfire emergency and the recent Asian tsunami disaster.

Lifeline Canberra played an integral role in supporting the Canberra community in the wake of the January 2003 bushfire. At the time of this disaster, Lifeline Canberra galvanised its resources, its paid staff and volunteers to respond to the needs of the community. Lifeline eventually took over the ACT bushfire hotline to provide support and information to the Canberra community. On 18 January 2003, Lifeline was quickly and efficiently able to execute an emergency response to the situation at hand. By 4.00 pm that day, all staff had been placed on standby and over 250 volunteers had been contacted to see if they and their families were safe.

In the days following the disaster, Lifeline Canberra took calls on their crisis line at 350 per cent of their usual call rate. This peaked on 20 January 2003, Lifeline's busiest day ever. Lifeline counsellors listened to people who feared for their lives and those of their families. There were people who had lost homes and their pets, and people who had feared losing their livelihoods. There were people who had no home to return to and others who were scared to leave their homes for fear they may burn down. I remember that feeling distinctly when my family was asked to evacuate our home.

In what was a time of uncertainty for so many people of Canberra, the counsellors at Lifeline offered the certainty of someone to speak to and someone who was willing to listen. Lifeline's response to the bushfire went beyond its crisis line, as countless counsellors did outreach work in the suburbs most affected by the fires. Lifeline also produced a bushfire information kit, of which 500 were distributed through places where people went to seek information, including the recovery centre. Gambling counsellors were diverted from their work to provide face-to-face counselling and worked with telephone counsellors to provide follow-up support to community members who needed someone to talk to.

Lifeline counsellors even supported others involved in the emergency, providing a debriefing service to the staff of Canberra Connect, for instance. These services were provided in addition to the usual suite of support services provided to the Canberra community, as others have mentioned in this place today. In the period since the bushfire disaster, Lifeline has continued to provide an increased level of telephone counselling support. Calls to the crisis line have increased to a level of 75 per cent, greater than before the fires. At this stage this need shows no sign of abating to former levels.

We cannot underestimate the valuable role that Lifeline Canberra plays in Canberra's front line response to times of crisis. As a result of the 2003 bushfire, Lifeline has improved its response plans and introduced emergency recovery teams. By establishing these units, Lifeline will be able to act even more quickly and effectively in the event of any future emergencies.

In the wake of the Asian tsunami disaster, Lifeline again made itself available to support the Canberra community, establishing a tsunami crisis counselling line. This service is available 24 hours a day, seven days a week, to provide support and counselling for people affected by that disaster.

In a time of crisis, Lifeline Canberra is at the forefront of supporting our community. This important work assures residents of the ACT that someone will always be available

to listen and to share with them their problems and concerns. We must acknowledge Lifeline Canberra's good work and that of its paid staff and volunteers.

MR MULCAHY (Molonglo) (4.10): I would like to add a few comments in support of this matter of public importance that has been brought before the Assembly. The reason I do is that I have a particular interest in Lifeline. My family has had an involvement—not in Canberra but in Hobart, where my mother was a telephone counsellor for 15 years and was recognised for that. I found great value in talking to her about the issues that she was dealing with.

I served on the federal government's ministerial advisory council on gambling and the thoughts my mother would give me in terms of her experience in dealing with people troubled by problem gambling—from everything I can gather it seems it is very much related to issues of self-esteem and in many cases there are parallels to the circumstances that bring people to alcoholism—were most valuable. She spent many nights at the Lifeline rooms in the local church near our home. My father, in retirement, would often stay overnight and sit there to keep her some measure of company while she took calls.

It was very important work and I came to understand the depth of training that was in place. It certainly is not the case that people just turn up, field calls and make their own decisions. It is a very thorough process and I was extraordinarily impressed when she explained to me the sorts of, if you like, constraints—but very sensible constraints—based on specialist advice that Lifeline has gleaned from the professionalism of their work, and of course by the tremendous assistance they are rendering to so many people under desperate circumstances.

There has been a lot mentioned about the history of Lifeline. Looking over some of that today, mention has been made by other members of the role played by the Reverend Dr Alan Walker in Sydney—how he became determined to throw a mantle of care over Sydney and obviously came up with the idea of inviting people who were lonely or troubled to call a telephone number. With the help of so many volunteers to take calls, as has been recognised by members on all sides of the Assembly, tens of thousands of people have had the benefit of those listening ears and of volunteers giving of their time to help make our society a better place and to help people in times of distress and need.

I understand that there are about 42 Lifeline centres in urban and rural Australia and about 5,000 trained counsellors. The role this organisation has played in Australia and in 15 countries—I think Mrs Burke mentioned that—is quite extraordinary and must be recognised and should be encouraged and supported. I understand that the issues most typically raised are relationship and family problems, mental health concerns, people coping with loss and change, traumatic experiences, dealing with violence and abuse, dealing with addiction to harmful substances—a perennial problem in our cities, and our country areas even, these days—disability and illness and, of course, the very critical suicide prevention and the processes involved there. I have learned much about these issues through our family participation in acting as volunteers for Lifeline, which has been most enlightening and valuable, through my career, to understand situations.

In Canberra and other major centres there is also face-to-face counselling support to help people deal with these issues. We have had some discussion about the issue of the public

debate over Telstra's involvement and the value of calls to Lifeline. I think it is commendable that at the federal level political intervention rescued that arrangement so that Lifeline is able to continue on with their good work. But I think that probably the message out of that is that, given that there is a compelling case—that this is essentially an essential service being provided by Lifeline—it behoves governments to step in and provide some support for this activity in relation to the cost of these calls. The issue appears now to have been resolved for the time being; but the reality is that it may well come up again in the future and we need to find a solution to ensure the organisation is not impeded in its very important work on behalf of the community.

There is no doubt that Lifeline meets people at their point of need and I, along with my colleagues in the Liberal Party, am very pleased to have this opportunity to place on record my appreciation and support for the great work done by the Lifeline organisation.

Estimates 2005-2006—Select Committee Membership

MR DEPUTY SPEAKER: Mr Speaker has been notified in writing of the following nominations for membership of the Select Committee on Estimates for 2005-2006: Dr Foskey, Ms MacDonald, Mr Mulcahy, Ms Porter and Mr Seselja.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 2005-2006.

Executive business—precedence

Ordered that executive business be called on forthwith.

Workers Compensation Amendment Bill 2005

Debate resumed from 5 April 2005, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (4.17): The purpose of this bill is to ensure the continued government underwriting of compensation entitlements for workers injured or killed in a terrorist attack. This continuation of underwriting is to be achieved by extending expiry dates for that underwriting from 2006 to 2009.

The need for this legislation had its origins in the September 11 attacks on the World Trade Centre in New York in 2001 and the massive claims that resulted from that horrific circumstance and event. As a consequence of those attacks, most insurers ceased to offer terrorism insurance, and the few that remained offered only very limited coverage at prohibitive rates.

Since the viability of the ACT workers compensation scheme was threatened, the ACT government, and indeed other governments in Australia, had no option but to step in with temporary reinsurance support. That works by the establishment of a temporary

emergency reinsurance fund that comes into operation only in the event of a terrorist attack. Its effect is that insurance cover will continue to be provided and that premiums will be contained to reasonable levels. Accordingly, the opposition supports this bill.

I must point out that this measure is necessary only because the reinsurance industry has declined to cover acts of terrorism. I acknowledge, of course, that covering acts of terrorism is not risk free, but I do believe that the refusal of the reinsurance industry to underwrite the ACT workers compensation scheme does reflect a level of disinterest in the territory, and a culture of palming off risk to someone else whenever possible. I have had discussions with the Treasurer informally over some of the difficulties facing industry and individual consumers in the ACT when dealing with the insurance industry, because too often I get the impression that the moral is “socialise your losses and pocket all the gains”.

Going back to first principles, the whole concept of insurance is to spread and share the risks. I am grateful to the minister and her office for working cooperatively with my office and briefing me on this matter. I am disappointed, after six months in this Assembly, that the Insurance Council of Australia is yet to cross the doorstep of my office. I really think that there is scope for us to look more closely at other issues relating to insurance in the territory on another occasion, as I have many examples of, and have had personal experience with, the approach of that industry, which I think is less than satisfactory in terms of consumer expectations and business expectations. I certainly will be looking to bring some suggestions forward to my colleagues and also to the government to consider on another occasion.

The matter before the Assembly is the Workers Compensation Amendment Bill 2005. It makes sense to implement these changes. They are designed to protect the interests of employees in the territory and to prevent businesses facing unreasonable hikes in premiums and, therefore, we are pleased to support the government in this initiative.

DR FOSKEY (Molonglo) (4.20): The ACT Greens support the Workers Compensation Amendment Bill 2005. After the attacks on the World Trade Centre and the Pentagon in the United States in 2001, reinsurers withdrew their coverage in respect of acts of terrorism and, without reinsurance, insurance companies are not prepared to cover events that may result in such sizeable payouts.

Although on past evidence terrorist acts are a small risk in the ACT, there is, nonetheless, that potential. This legislation expires next year and I understand the urgency of passing this bill today. However, as I have noted during past debates when legislation has passed through the Assembly within a week, this is not ideal.

In 2002 the ACT Greens accepted that it was incumbent on the ACT government to take temporary responsibility for this insurance. It is disappointing that the reality is that three years later the government has to continue to provide this insurance. If workers compensation, like public liability and other essential insurance products, is to remain a primary function of business, we need to think carefully about how we manage it.

In 2002 the Greens argued the need for long-term solutions to be pursued at a national level, at the very least, in order to give the large international reinsurance companies greater confidence in the Australian system. I support the bill today, but I am interested

in finding out how discussions about the longer-term solution to this problem at a national and interstate level proceed.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.22), in reply: I thank members for their support for this bill. It does make a minor but important amendment to the Workers Compensation Act 1951. As other speakers have said, it extends the operation of the temporary provisions for acts of terrorism.

In June 2002 the act was amended to include temporary reinsurance provisions for acts of terrorism. The purpose of the temporary reinsurance provisions for acts of terrorism is to ensure that, if a worker is injured or killed during an act of terrorism, the worker or the worker's family will be able to claim their existing entitlements under the Workers Compensation Act. Without this provision, workers injured at work by the actions of a terrorist or terrorist group would be denied the right to claim compensation for their injuries. That was not a situation that this government could support.

These provisions were passed following the withdrawal of the private sector reinsurance coverage for acts of terrorism in early 2002, in the wake of the World Trade Centre attacks. The provisions ensure that workers compensation insurers can meet their obligations to fully insure for all work-related risks by establishing a reinsurance fund that will come into operation only in the event of a terrorist attack.

The provisions were initially given a temporary lifespan, covering attacks until 1 April 2004, to encourage private sector reinsurers back into the market at the earliest opportunity. In 2003 the Assembly agreed to extend the provisions to 1 April 2006. Recent world political events mean that only a couple of overseas companies are offering terrorism insurance as an individual product, but with limited coverage and prohibitive premiums. Without temporary terrorism provisions, ACT employers and businesses would be obliged to pay excessively high workers compensation premiums.

This bill proposes the extension, for a further three years, of the operation of the temporary reinsurance provisions that come into effect if territory workers are injured or killed in a terrorist attack. The amended provisions would apply to terrorist events that occur before 1 April 2009. Such an extension will retain confidence in the ACT workers compensation scheme. The temporary terrorism provisions already include a sunset provision. This bill proposes moving the expiry date of the provisions from 1 October 2006 to 1 October 2009.

As it is unlikely that private sector companies will be offering realistic and affordable terrorism coverage for some time yet, the government has retained the sunset provisions to continue pressure on the market to develop reinsurance products in the future. These provisions need to be passed as soon as possible because the insurance industry inform me that insurers are already writing workers compensation policies covering periods after 1 April 2006, when the current provisions cease to apply.

I thank members for their support. I thank the scrutiny of bills committee for dealing with this bill as quickly as it did. It will ensure that ACT workers continue to be fully protected in the event of a terrorist attack.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Orders of the day—discharge

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

That order of the day No 2, Private Members' business, relating to the Gaming Machine Amendment Bill 2004 (No 4), be discharged from the *Notice Paper*.

Gaming Machine Amendment Bill 2005

Debate resumed from 15 March 2005, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR STEFANIAK: Carrying on now with the substantive bill, as I indicated, one of the main things it does is remove some problems in relation to unintended serious consequences to clubs as a result of giving the ACT Gambling and Racing Commission power to cancel licences where the election of the committee could be influenced by someone who is not a voting member, or all voting members did not have complete control over the election for sundry other reasons.

The fact is that a lot of the clubs are there for specific purposes. Associated bodies elect or nominate some of their members to the governing body—that is how it is operated. That was what my bill was about. Sections 1 to 5 are an exact copy of that—I make that point. The opposition will be supporting the Gaming Machine Amendment Bill.

The other sections of the government bill—the sections that do not relate to issues over club directors—are technical in nature and serve to make it clear that contraventions of the act are subject to the criminal code. Apparently this was only assumed before, but it has now been made transparent. Examples of contraventions that could be prosecuted as criminal matters are unlawful activities relating to gaming activities, such as theft, fraud or falsifying a document or return required by the act or the commission.

I understand the Greens are proposing a number of amendments—I will speak briefly to those when we come to them. We will not be supporting those amendments as they would have a number of potentially serious consequences if they were to be accepted. I will make a few brief comments on that later. The opposition will be supporting this bill.

DR FOSKEY (Molonglo) (4.29): While I support the majority of the Gaming Machine Amendment Bill 2005, I will be opposing clauses 9, 10 and 11 of the bill. I support the majority because I recognise that the changes are primarily addressing minor detail and

unintended consequences of the Gaming Machine Act amendments of 2004. However, I believe that clauses 9, 10 and 11 constitute a more significant change—a change that should not occur.

The ACT Greens believe that the government should take every opportunity to support the socially responsible provision of gaming services and maximise harm minimisation strategies for people with gambling problems. Problem gambling is very serious here in the ACT. Recent research indicates that there are more than 5,000 problem gamblers in the ACT, and for every problem gambler an estimated five to 10 other people can be affected.

Proximity of gaming venues to places of community congregation such as shopping centres and the close location of gaming venues to residential areas of relative socio-economic disadvantage are factors influencing gambler behaviour, influencing both the frequency with which people use gaming machines and the amount spent on them.

The particular character of the gambling and social context in Canberra, especially the centrality of clubs to community life and convenient access to gambling, has contributed to the development of gambling problems for people who experience social isolation or a period of personal stress.

Problem gambling is a serious issue amongst young people, with an estimated four per cent of secondary students identified as problem gamblers—double the rate amongst adults. Changes to the Gaming Machine Act last year saw the introduction of important social impact assessments. As the government stated at the time:

The social impact requirements form part of an overall strategy for harm minimisation and are applicable to all applicants for gaming machines. These measures are consistent with the code of practice for gambling operators and will significantly address the risks to minors and others in the community associated with the issue of gaming machine licences.

That is a quote from Mr Quinlan from *Hansard* of 10 February 2004. We oppose the proposed changes to section 32 of the Gaming Machine Act contained in clauses 9, 10 and 11 of the Gaming Machine Amendment Bill 2005. I will leave it there and speak to that further in the detail stage.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.33), in reply: I thank the house for its support of the bill, in the main. Dr Foskey opposes a couple of the clauses.

I do not think the fears you have, Dr Foskey, are well founded. We are talking only about the transfer of licenses that are already in place which have all been subject to social impact examination before. We know there is movement within the club industry and, in fact, many of the club premises, club facilities and club services survive only because there has been transfer of ownership. It has become the case that it is the well-managed clubs and the clubs that can manage to a certain size and therefore introduce economies of scale into their operations that are, in the main, surviving.

Without a ready ability for licenses to be transferred, we would maybe see a whole raft of clubs like the Canberra City Bowling Club, the Canberra south bowling club, the Yamba club and the royals club out of business or held up for transfer of ownership, to the point of jeopardising the transfer deals that are done. We are only talking about not requiring a social impact statement or study in cases where there is effectively a transfer of ownership and the whole structure in existence. From the external point of view, there will effectively be no change.

We appreciate concerns in relation to problem gambling. I have said before in this place that I think the code of practice that applies in the ACT has been recognised as world standard. It has been recognised as probably the best in the nation. It was certainly the first of the best, if it is not the best these days. I think we have a very sensible balance between the prohibitions and the requirements that apply to those organisations that benefit from poker machines directly and the controls on one side and the freedoms of individuals on the other. We will, of course, be voting for the bill to be passed in its entirety.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clauses 9 to 11, by leave, taken together.

DR FOSKEY: I will be opposing these three clauses. We oppose the proposed changes to section 32 of the Gaming Machine Act to contain clauses 9, 10 and 11 of the Gaming Machine Act Amendment Bill 2005. The proposed amendments would exclude applicants seeking to transfer a licence from one operator to another from undertaking a social impact assessment and prevent the Gambling and Racing Commission from considering social impact assessments and submissions when deciding to issue an initial licence in order to allow a transfer.

We believe that a transfer of a licence is an opportune time to conduct a social impact assessment and that it is appropriate for the Gambling and Racing Commission to consider an assessment before approving the transfer of a licence. There is no reason why an applicant seeking to secure an existing licence should not be subject to the same requirements as an applicant for a new licence. Some will argue that, in the majority of cases, the number of gaming machines, their type and location will not change as a result of a licence transfer and that there is therefore no need for a social impact assessment.

We have also heard the argument that conducting a social impact assessment is an impost on potential applicants for a transfer that may deter them from merging or acquiring a club, and that this may result in the loss of social facilities in the community. However, there are circumstances where the number of gaming machines might change following a transfer of the license. An example of this is the gaming licence issued to the Labor club for operating gaming machines at the swimming centre at Belconnen.

We understand that this licence was issued prior to the social impact assessment requirements being introduced, despite substantial community opposition. To date no gaming machines have been installed at this facility. Any transfer of the licence to a new operator would be an opportune time to review the appropriateness of this licence being issued, and to examine the impact of gaming machines being installed in this facility.

It would also be useful for any new operator to hear community concerns about introducing gaming machines at the pool, and for the Gambling and Racing Commission to consider community submissions on the matter. In view of the rather alarming statistics about gambling amongst young people, I think this is particularly pertinent point.

Ideally we would like to see gaming licences issued for a maximum of five years and be subject to review. This was a recommendation of the Gambling and Racing Commission's review of the Gaming Machine Act conducted in 2002. The government, in its response to the review, did not support the recommendation. We assume this position has not changed. We have not heard that it has changed.

In the absence of time-limited licence approvals, the conduct of social impact assessments when applicants seek a transfer of licence creates an important opportunity to review the social impact of gaming within the local community. Furthermore, there is potential to use the social impact assessment to examine whether the change of ownership itself might have a detrimental impact on the use of the facility and the way in which gaming is promoted to the local community. It could also be used to examine any potential impact on specific groups, including cultural groups and young people. We recognise that this would require some amendment to the regulations governing social impact assessments—Gaming Machine Regulations part 3, 9-12.

Retaining the requirement of a social impact assessment is not likely to affect a large number of gaming machine operators. There are very few licence transfers each year. The estimate provided to us by the Gambling and Racing Commission is that, over the past three months, there have been three transfers, and this is fairly typical. Furthermore, Clubs ACT advises that it does not anticipate significant numbers of mergers or acquisitions in the foreseeable future. It is therefore reasonable to assume that this requirement is not likely to affect large numbers of licence applicants.

To date, just seven social impact assessments have been conducted—primarily by taverns applying for a gaming licence to operate two class B machines, and a small number of hotels. No clubs in the ACT have yet undertaken an assessment. There is no clear evidence that conducting an assessment is a substantial burden to operators.

Removing the requirement to undertake a social impact assessment from the process of considering an application for the transfer of a gaming machine licence from one operator to another will provide a minor benefit to operators at the cost of a very real opportunity to review the needs of the local community.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.42): I would like to say a few words in support of these clauses.

To begin with, the swimming pool example does not apply. The legislation as amended will still allow for social impact assessment in relation to new licences, additional licences or relocation of the licence to another licensed facility. So we are really only talking about a change of ownership of an existing establishment.

In my past life I have been down the road of club amalgamation, and it is not as simple as it looks from the outside. There is usually at least one bank involved with a weather eye open as to exactly how they will try to recover funds they have at stake within the establishment that is struggling. If bureaucratic and administrative processes build up, that is likely to make the transfer of ownership that much more difficult. As I said earlier, there are a number of establishments that people use today that provide facilities within the community that are open today only because they have been able to be transferred into other ownership.

We might not like the idea that club groups have become bigger, but that is a different question. We are interested in making sure that, as with some of the clubs I mentioned that have been on the brink of closure which have been able to be rescued, this happens. Not all of those rescues have necessarily meant huge returns to the club that is amalgamating with them. Quite often they have still represented a marginal business, but some of them have been able to survive because they no longer have to carry layers of management because they are managed remotely from a larger organisation.

I think we ought to be ensuring that that can continue. I think the imposition of a social impact assessment at the time of change is a pretty random way of somehow testing the social impact of particular machines. It is a very random process, where maybe a cyclic process or something else might be a whole lot more relevant. I think that, given that the act will still allow for those statements to be required for new licences, additional licences or relocation, this is a reasonable provision.

MR STEFANIAK (Ginninderra) (4.45): As I indicated earlier, the opposition will not be supporting the Greens on this. Indeed I think the Treasurer has made quite a reasonable case in relation to why not. My colleague Mr Mulcahy made an aside to me saying that to do what Dr Foskey seeks is also a very expensive business. He has indicated some previous experience in relation to just how expensive that is.

The fact is that it seems to be unnecessary because there is no change of venue; there is only a change of ownership; and there are no additional machines; so the status quo will remain in the area in which the club is located. I understand Clubs ACT are estimating that, in the next 12 to 36 months, there is likely to be a contraction in the club industry as clubs merge to stay afloat financially. We have seen that.

I am one of those people who do not particularly like seeing club groups getting bigger. Not all of us like that, but it is a sad fact of life in the current economic climate. It would probably be a lot nicer if more of the smaller clubs had survived and provided the unique services they did. Having been involved with a couple myself, it is rather sad to see that change.

One of the problems with what Dr Foskey proposes is the expense. Anything that makes such mergers more difficult is not only not particularly helpful but might also be very disadvantageous. The Treasurer mentioned royals—I was a director there in the 1980s—

an old club which went into administration with a view to being bought out so it could continue. The Raiders—a big group of clubs—bought it out and they have continued to operate its affairs successfully.

The football club and other sporting amenities are all continuing there as a result of the merger. I certainly hope they continue after the, I think, three-year period that has been agreed to by the parties involved. We will wait and see. At least at this stage they are all continuing and the club is providing a service to the local community.

It would also probably be the case, were Dr Foskey's amendment to succeed, that buyers would insist that the impact study should be a condition of sale. That would make it a costly impost on clubs already in a precarious financial situation. The requirement of a social impact study could end by costing the community dearly in loss of social and sporting amenities.

There is great fear that this would not help the industry, or indeed the community, but would actively dissuade new buyers or merger partners from taking on a club. The fact is that the clubs do a great deal of good in our community. Many sporting and social amenities have been provided as a result of the works of clubs in our territory.

It is costly running a business. The business is now more precarious than it has been at any time I can recall since the late 1970s or so when the poker machines came in, or indeed perhaps even earlier when they were not there. It is just a whole series of factors that make it more difficult for clubs and associations to operate, including the impact on what the Assembly sees as important legislation.

Accordingly, we will not be supporting Dr Foskey's amendments. We note, of course, that if a new club starts out, it has to have a social impact statement. There are other provisions in relation to social impact statements. I think generally the legislation that passed last year was the result of a lot of effort and thought and a lot of community consultation with various groups.

Clauses 9 to 11 agreed to.

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

Bill agreed to.

Animal Diseases Bill 2005

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

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.50): The Animal Diseases Bill is a companion bill to the Stock Bill, which will be debated later today. It is an important innovation, or an important bringing up to date of legislation that covers the handling of animals for agricultural purposes in the ACT.

The Animal Diseases Bill is a new bill which contains the provisions, brought up to date, of the old Animal Diseases Act 1993, along with animal health provisions in the old Stock Act and the Pound Act. The new Animal Diseases Bill takes into account developments in animal health issues, such as the national livestock identification scheme and the banning of feeding of swill to livestock.

The key elements of the bill, as I have said, are the implementation of the national livestock identification scheme—the NLIS—which has already happened in most states and, most importantly for us, in the ACT and New South Wales. ACT rural lessees are keen that ACT legislation complies with and is compatible with New South Wales legislation, because most of the stock we purchase is purchased in New South Wales.

This bill will build on the existing system of tracking stock transaction, through the monitoring of ear tags, tail tags and brands, and lead to a single national scheme of stock identification. It will ban the feeding of swill to livestock and will ensure that the risk of diseases, such as bovine spongiform encephalopathy, is significantly reduced by eliminating the possibility of feeding animal matter to animals of the same species.

It also provides for a stock standstill in response to emergencies. For example, this could be used upon diagnosis of a foot and mouth disease outbreak, or if an outbreak is strongly suspected. It will reduce the vectors of transmission of the disease while the source and likely areas of infection are identified. It will also, very importantly, make an offence of suppressing evidence of any animal disease by attempting to sell, move, dispose of, bury or hide a diseased animal.

These are very important provisions that relate to the economic wellbeing of a sector of the ACT economy. In talking about animal diseases today, somebody commented to me that they are sure they interest somebody but that they do not interest that person. They interest me on behalf of ACT rural lessees, and these are very important provisions.

While the opposition generally supports the intent of the bills and we will be supporting them in principle, we have a few concerns about the operation of the bills. Our principal concern is the haste with which this has been brought on. These bills were introduced on 17 March and are being debated today. That seems like a reasonable time, except when we take into account all the public holidays and the short weeks. There were, in fact, 11 working days between the introduction of this bill and the Stock Bill, which goes with it and is being debated today.

There are close on 100 pages of legislation, and some of it looks pretty straightforward. On first reading you think, “That’s pretty straightforward; that’s not too bad.” But as you read it more than once, you find that there are questions. At this stage most of my concerns are questions which I have been attempting to obtain clarification on. If I could have obtained satisfactory answers, perhaps I would not be moving amendments here today.

In addition to my concerns, I did what I usually do when a piece of legislation comes up—I sent copies to people who might be interested. I sent copies of this piece of legislation to the ACT Rural Lessees Association, the conservation council and the

National Farmers Federation. Subsequently, as a result of conversation, the cattle council approached me for a copy of the bill.

As a result of some of these groups looking at it and being given a polite hurry up by my office, when the government brought this bill on for discussion and seemed to be intractable in allowing sufficient time, the message came back loud and clear. The rural lessees association and the cattle council do not have an objection to this legislation in principle, but there are things about it that they are not sure about. I would like to raise some of those concerns.

The cattle council have said that while it does not appear at this time that there would be any interference, there are particular issues here, which I will raise. One is about the effectiveness of the national livestock identification scheme, and also what appears to be a blanket ban on the use of live vaccines to treat exotic diseases.

The principal message I am getting from the cattle council is that the importance of stakeholder consultation through peak bodies or representative farmer groups cannot be underestimated in ensuring that this legislation is effective. What we are being told by the cattle council is that they have not had sufficient time to work through their member bodies to ensure that this is proper legislation.

There is an admission by Mr Stanhope's own staff that there has not been sufficient time, when he talks to me in an email about consultation with the cattle council. The minister's office seems to have contacted the cattle council after I suggested it to them yesterday or the day before. He sums up the response to the cattle council and the New South Wales Farmers Association by saying that a preliminary response by the cattle council indicates no substantive issues have been identified, although a detailed analysis has not yet been undertaken.

A detailed analysis has not been undertaken because these organisations have known about the existence of this legislation since last Wednesday. The clear message that has come to me is: we do not have a problem with the principle, but there are a couple of issues in here that we really should address. There are two issues. The first is the effectiveness of the national livestock identification scheme, as outlined in the Animal Diseases Bill and in the Stock Bill.

It has been put to me by the cattle council that, on first glance, the first analysis from their perspective—and they have much more knowledge of these things than I do; I do not pretend to be an expert in any of these issues, just an interested amateur—is that the provisions in the ACT legislation are not as rigorous as those in the New South Wales legislation.

That could, of course, be resolved by regulation, but we have not seen those regulations. All I have asked of the minister's office is an opportunity for these people to sit down and go through their concerns with the relevant people so that we can be satisfied. If their concerns are not being met, I am prepared to move amendments, but I do not want to move amendments unnecessarily if their concerns can be addressed by speaking with responsible officers.

Speaking with responsible officers is the issue I have found exceedingly difficult this week. The principal issue of concern raised with me by the ACT Rural Lessees Association—some 120-150 taxpayers in the ACT—and the cattle council is what appears, in section 33 of the Animal Diseases Act, to be a blanket prohibition on the use of live vaccines.

I do not claim to be a specialist in veterinary medicine, but all of us would know that live vaccines are used quite safely in human health, and that—we could work by extrapolation—in some cases they could be used appropriately in animal health. This provision seems to override any of the nationally agreed standards for implementing and using veterinary medicines.

There is an organisation called the Australian Pesticides and Veterinary Medicines Authority, which gives approval for the use of veterinary medicines. It is the sort of agricultural equivalent of the Therapeutic Goods Administration. If the Australian Pesticides and Veterinary Medicines Authority says it is all right to use it, I cannot see why a few bureaucrats in the ACT should write a blanket prohibition on its use.

In addition to that, for a range of endemic and exotic diseases that can have wide impacts, there are national veterinary implementation plans called AUSVET plans. In an AUSVET plan you will have bits that will say what the treatment is and what you can and cannot use in particular circumstances.

If you want to rule out using live vaccines—say a live vaccine for an anthrax outbreak—you put it in the anthrax AUSVET plan; you do not put it in a piece of legislation as a blanket prohibition, because it is likely to be the case that you will end up with one piece of legislation—a nationally approved AUSVET plan—acting against the legislation in the ACT.

I think it is wrong-headed—I think it is muddle-headed—but I am open to being persuaded. I have asked at length, “Can I please speak to the government vet”—to get an understanding of where he was coming from, when we organised this. I spoke to the parliamentary drafters, who said that they drafted it like that because that was the way the government vet wanted it. I do not know how many emails I have sent to the minister’s office saying: please may I speak to the government vet. At this time I have not had an opportunity to speak to the government vet.

My preferred outcome for today on this bill would be that we agree to the bill in principle and then adjourn it. I will so move when the time arises because I think that is the best way. If this comes back in three or four weeks time, we will then have had an opportunity to speak to the vet and there will have been an opportunity for the government to speak to the cattle council. It does not seem to have crossed their minds that they might do that. Then we might end up with everyone sitting around a table. We can work it out, everyone will be happy and we will have a better piece of legislation. This is not a bad piece of legislation; I just think it could be better.

There are a few other issues here of concern. The principal one is that raised by the scrutiny of bills committee and what seems to be their constant chorus of, “We are concerned about the creeping in of strict liability offences.” I have been reading scrutiny

reports in this place for a while and, as time goes by, taking increasing interest in what scrutiny of bills committees say. There has been a constant theme from scrutiny of bills about strict liability offences.

There is a range of strict liability offences in these two pieces of legislation—probably 30 in all. I propose, by amendment today, to delete some of those because I think they are inappropriate and needlessly draconian, especially in relation to attempts to stop the spread of exotic diseases like BSE or foot and mouth disease.

The fact is that some farm worker might inadvertently do something that contravenes a regulation that he probably does not know the existence of. Then you get slapped with a fine of 10, 20, 30 or 50 penalty units. That fine is not going to stop the spread of BSE or foot and mouth disease. If somebody does something unlawful or really stupid, of course, after we have sorted out the problem of the spread of foot and mouth disease, by all means take them to court but at least work out whether they intended to commit a crime before we fine them. That is my concern.

Another issue of concern has been raised about both bills by the scrutiny of bills committee. I will read from page 9 of the scrutiny report. It says that the committee notes that under subclause 90 (3) of the Animal Diseases Bill a regulation under the act may create offences and maximum penalties for those offences. That maximum penalty is only 10 penalty units; it is not very much. The scrutiny report goes on to say:

Given the significance of the power to create an offence, the Committee draws to the attention of the Assembly the question whether it is appropriate for a law of this kind to be made by regulation.

I am carrying out the will of the scrutiny of bills committee by drawing that to the attention of the Assembly. I do not propose to do anything about it on this occasion but I flag that it has long been the stated policy of the Canberra Liberals that we would not create offences in subordinate legislation.

I am not sure that we have always been absolutely squeaky clean in this but when it is drawn to my attention in such a blatant way, it is something that I will be much more vigilant about in future. While these are only small offences and small penalties, it is a matter of concern that we make regulations in this place so that we can hand on the power to create offences to someone in a bureaucracy. I think this is a bad turn of law and that we should be very careful about it.

In summary, the Liberal opposition supports the bill in principle. We would prefer that it were debated to the in principle stage today and adjourned so that we could have a better conversation with stakeholders. I think we should spell that stake with an a-k-e not an e-a-k! The most important thing is: this is good legislation; it is important legislation. I would like to make it better and I would hope the Assembly would agree to an adjournment so that we can make it better.

DR FOSKEY (Molonglo) (5.05): After listening to Mrs Dunne, I am inclined to agree with her proposal that we discuss this bill in principle today and adjourn the detail stage to probably the next sitting week. I was already a little concerned that these bills are being dealt with so quickly after being tabled—not a practice that I would encourage—

but there is no way that my staff could have given these amendments the attention that they deserve in the very short number of hours that they have had them today. In that sense, I know that I will not be giving this bill the attention that it deserves, but that does not mean that I do not agree with it in principle.

In my statement I am going to discuss both the Animal Diseases Bill and the Stock Bill, because they are integrally related. As I understand it, these bills between them will allow for managing straying stock as well as managing animal diseases. In addition, the Animal Diseases Bill provides for the banning of swill feeding to livestock. These bills were tabled only three weeks ago and two of the weeks since then have been shortened by public holidays. Even though they are part of a national scheme, I do not think that they should necessarily receive less scrutiny by members in this place. I would prefer that we did not go into the detail stage today.

I have been advised that the two bills are consistent with New South Wales legislation, which is important. The Animal Diseases Bill reflects the national livestock identification system and I support that we have national standards and a consistent approach for managing animal diseases. I believe it important that our legislation is in line with that of other jurisdictions. Again I raise concerns regarding strict liability clauses in both bills. There are a significant number of strict liability offences in these bills. Some of them might be reasonable but, for others, members of the Assembly had tabled amendments to take them out.

The scrutiny committee made a number of comments relating to the absence of review provisions in regard to some decisions of both bills, as well as the provisions of the Animal Diseases Bill allowing entry without a search warrant. Capacity for review of decisions and proper processes is an area of high importance to the Greens. However, having looked at these provisions, I accept the arguments put forward by the government that in each instance these provisions are structured as such to allow timely decision making and are needed to ensure that there can be some certainty regarding necessary measures to control the spread of exotic diseases. I also accept the rationale in regard to the lack of review for decisions to grant travelling stock permits—that a review clause would delay the issuing of such permits.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.09), in reply: The effective management of stock disease is very important to the primary industry sector in terms of direct economic impact. What is not so apparent is the need for a consistent approach to the management of diseases that have national and international implications if detection, control and eradication measures are not adequate.

Australia has an enviable reputation for being free of major exotic diseases that have had disastrous consequences in other countries where outbreaks have occurred or where a disease-free status cannot be demonstrated. I am sure we all recall the mad cow disease outbreak in Europe and its cost to primary industry and the community generally. Apart from its direct effect on the cattle and dairy industry, there are important public health implications if the disease is not controlled.

We also know that foot-and-mouth disease can spread rapidly and be ruinous to affected industry sectors if not controlled effectively. These are the most prominent examples of

animal diseases that have national and international significance. Australia is able to demonstrate its freedom from these and other exotic diseases and we benefit from trade advantages as a consequence. These advantages and associated public health implications should not be put at risk.

One of the ways that Australia can continue to protect and demonstrate its disease-free status is to have appropriate and effective legislation in place. That is why the Australian Quarantine and Inspection Service has such high standards. That is why the ACT is an active member of Animal Health Australia, a government/industry corporation that sets standards and emergency response measures for disease management.

By any measure the ACT primary sector is small. However, we are part of a region and animal movements occur regularly in the normal course of business. We are very dependent on surrounding New South Wales for our continued viability, and for this reason alone it is important to have consistency in the way we do business, including relevant underpinning legislation. The provisions of this bill are consistent with animal health measures being introduced nationally, particularly in New South Wales.

The Animal Diseases Bill 2005 will take account of national developments in the management of animal health issues in the primary industry sector that have implications for public health, trade and commerce. In particular, it will support implementation of the national livestock identification system, control the transmission of disease vectors through stockfeed, and enhance quarantine powers in the case of an animal health disease incident. A number of administrative reforms are also accommodated.

The national livestock identification system is a permanent whole-of-life identification system for stock, operated through a national database that enables individual animals to be tracked from property of birth to slaughter. This is an important disease management measure, especially in the face of increasing global concern about diseases such as mad cow disease that have public health and international trade implications. A whole-of-life traceability is essential for locating all cattle related to a case.

Consistent with legislation that has been introduced in New South Wales and Victoria, the provisions of this bill will enable the ACT to gradually move away from the current manual tagging and recording system to an electronic system where stock movement and ownership details will automatically be read from an ear tag as stock are handled. This will be done by regulation.

The amendments will also ban the feeding of particular meat products—swill—to pigs, so that they do not act as a reservoir of disease vectors that can be reintroduced to the national cattle herd. Other jurisdictions have banned the feeding of swill for some years, but until recently pig keeping was not permitted in the ACT. On a similar theme, the bill provides for the appropriate labelling of compounded stockfeed that contains meat products, so that health or disease implications for food animals are appropriately identified. Again, this provision has been agreed on a national basis.

The bill also provides for a minimum 72-hour stock standstill whereby all stock movement can be halted. This measure is an important emergency response and has been agreed in principle by all jurisdictions in Australia. A stock standstill will place an obligation on owners or controllers of stock to stop movement of stock for a defined

period. This control can be used, for example, on the diagnosis of foot-and-mouth disease anywhere in Australia or as a precautionary measure if a foot-and-mouth disease infection is strongly suspected. It would reduce the vectors of transmission of the disease while the source and likely areas of infection are identified.

The bill will also provide for the prevention and control of exotic and endemic diseases by installing appropriate disease management practices. A declaration can be made to declare a stated area to be an exotic disease quarantine area if there are reasonable grounds to believe that an animal is infected with an exotic disease, and to prevent the spread of disease.

Directions can be given to a stock owner to enable control of an exotic disease. An exotic disease such as mad cow disease, which can also spread to humans, needs to be controlled immediately. It is vital that control action be initiated at the earliest possible moment. Hours can mean the difference between containment and eradication in a specific area or property and a major incursion with substantial economic implications.

To this end, a direction in relation to an exotic disease will not be reviewable. There is significant risk of spread of an exotic disease if a decision cannot be implemented immediately because it is subject to the delays inherent in a review process. A decision could relate to quarantine measures, animal destruction and disposal. Compensation is provided for.

A person who has reasonable grounds for believing that an animal is infected with an exotic disease or endemic disease commits an offence if they sell, move, dispose, bury, hide or otherwise attempt to suppress evidence of an animal. This will be in line with similar provisions in the New South Wales Stock Diseases Act and will ensure that animal diseases are disclosed to maximise the opportunity to deal with the disease and prevent losses to the wider community through the spread of the disease.

The bill also provides for authorised people to enter premises without a warrant if the authorised person believes on reasonable grounds that an animal or animal product is infected with a disease or that entry to the premises is necessary to prevent or control the spread of disease. The amendment will allow authorised people to enter premises where the owner of the premises is unable to be contacted, so that urgent disease management matters can be initiated.

The bill also addresses the use of live vaccines for disease control. The Animal Diseases Act 1993 currently prohibits the use of live vaccines. The use of live vaccines has inherent risks where more virulent forms may develop in the host animal, which may then become a source of infection. A false diagnosis can occur with an animal that has been vaccinated for the disease with a live vaccine.

Where diseases are declared because of their socioeconomic, public health or trade implications, it is vital that all sources of risk be managed effectively. However, some live vaccines have veterinary benefits without the associated risks. Vaccine for cat flu is an example. The Stock Diseases Bill amends the current provisions to remove controls over the use of live vaccines for diseases that are not declared as an endemic or exotic disease.

The amendments will also provide for a system of compulsory vendor declaration that requires those selling stock to indicate chemicals and antibiotics used on the animals prior to sale and to provide a statement as to the health of animals to be sold. This requirement is already in place in New South Wales and, as with many stock-handling requirements, ACT farmers are already conversant with it, as they access New South Wales markets.

Finally, a few administrative amendments will ensure that the definitions of “tags” and “infected” are updated to take account of new technology and new diseases. A related matter is the Stock Bill 2005, which I will also be speaking to when we get to that—later today, hopefully.

I thank members for their contribution to the debate. I have heard members indicate that they would have liked more time. The bill was tabled some weeks ago. I believe there has been sufficient time for it to be considered and scrutinised to allow this debate to continue and conclude today. It is the government’s intention that it do so. My office has been available at all times to all members and has answered rigorously and immediately every request for advice that it has received, has answered every question fully that has been asked of it, and has at all times stood ready to assist any member that required any more information in relation to the matter.

Issues have been raised in relation to comments made by the scrutiny of bills committee. They have been responded to. The government’s position in relation to those is known, it is reasonable and I believe our response to all issues is now on the record. I once again thank the scrutiny of bills committee for the excellent work that it does in ensuring that our legislation and the provisions we include in it are appropriate.

I believe that the provisions that we have included in this legislation, having regard to the nature of the subject and its importance—the need for us to ensure that we do have in place the best possible controls in relation to the potential for animal diseases to spread and to decimate primary industry within the ACT and the nation—should be there. In the context of that, of course, there is a requirement on us to ensure, particularly in relation to some of the offences that can be committed through this particular legislation, that they are of the order and nature that they are and are as certain and as capable of implementation and, of course, control. I commend this bill and the Stock Bill to the Assembly. I thank members for their contribution and I look forward to their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Motion (by **Mrs Dunne**) put:

That debate be adjourned.

The Assembly voted—

Ayes 8		Noes 9	
Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mr Quinlan
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

Clause 1 agreed to.

Clauses 2 to 32, by leave, taken together and agreed to.

Clause 33.

MRS DUNNE (Ginninderra) (5.23): I will be opposing this clause. This is the clause in the bill that deals with the blanket prohibition on live vaccines. The Chief Minister is correct in saying there has been considerable promptness in answering my inquiries. But the problem is that I am working through a mediator. The way things work at the moment is that I ask questions of an adviser in Mr Stanhope's office who knows about as much as I do about animal diseases and their treatment and there is a sort of backwards and forwards and then he goes away and asks somebody else some questions and sends me an email.

On two occasions, including last night, I asked for a meeting with the government vet so that I could discuss this and so that I am not put in this position of opposing what seems to be a needless implementation in this clause. As yet, I have not been allowed, afforded, a meeting with the government vet. The Chief Minister's office has been accommodating up to a point, and this is the principal sticking point with all of the interest groups. I will just quote from what has been sent to me by a representative of the Cattle Council:

While it does not appear at this time that there would be any interference on the use of the registered vet products I can reiterate the Cattle Council's view that the APVMA—

the Australian Pesticides and Veterinary Medicines Authority—

needs to be the final arbiter of product registration and regulations, and that State or Territory regulations should accommodate that.

What we actually see here in this clause, which I am opposing, is that it makes it an offence for any person to use essentially a live vaccine on an animal which has an exotic or endemic disease. But this can be overridden by a bureaucrat in the ACT bureaucracy somewhere, presumably in the Chief Minister's Department. My concern is that the Australian Pesticides and Veterinary Medicines Authority, the national animal health organisation and the registered veterinary plans for dealing with exotic diseases already address whether or not we should use live vaccines, or a whole range of other things.

Why have we just got a blanket ban on live vaccines? There may be times when it is entirely inappropriate to use live vaccines and we should not actually have that in legislation, because that is a matter that requires some flexibility and that is why it is in the vet plans and that is why we have highly-qualified veterinary medical organisations to say yea or nay—not us in this place here and not a bureaucrat in the Chief Minister’s Department. This is why I must oppose this clause.

If we had actually had time and the full courtesy of the Chief Minister’s office, we might not be in this situation. The Chief Minister can say, “Look, we’ve had plenty of time; this bill was introduced a number of weeks ago.” It was introduced on 17 March. You do the maths, Mr Speaker: that is 11 working days from 17 March until today and there are national organisations associated with the important economic and social benefits of running a pastoral industry which were not consulted by this government, which have been asking for consultation by this government, which only found out about the existence of this legislation through the Liberal opposition—not through the government—and they are asking for time. If the government will not give them time, we must oppose what appears to be a problem in this legislation.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.28): The government does not support the proposal. It needs to be remembered in relation to this particular provision that the provision applies to declared endemic and exotic diseases. The clause states:

- (1) A person commits an offence if the person uses on an animal, or material derived from an animal—
 - (a) a virus, vaccine or other biological product containing living organisms for treatment or prevention of an exotic or endemic disease; or
 - (b) a biological product containing something derived from a living organism for diagnosis of an exotic or endemic disease.
- ...
- (2) This section does not apply if the person acts with the written approval of the director.

It is a very important provision designed to ensure that there is control over the use of live vaccines so that there will not be through their use any risk of more virulent forms of the disease developing within a host animal. It does, through the approval process required, enable a record of vaccinated animals to be maintained, most importantly so that false diagnoses are not made in relation to an animal that might present, and to ensure that which goes to the very heart of this legislation and our response to animal diseases—that there be a capacity for a national response where the use of live vaccines is an issue, and so that the national response and strategies can be complied with.

As I say, this is a provision that applies only to endemic and exotic diseases; it does not apply generally. It is a significant provision and the department has consulted with those organisations in Australia that are most directly affected, particularly the Cattle Council, and they have no issues with these provisions or with this legislation.

Clause 33 agreed to.

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

MRS DUNNE (Ginninderra) (5.30): Mr Speaker, I seek leave to move amendments 2 to 7 circulated in my name together.

Leave granted.

MRS DUNNE: I move amendments 2 to 7 circulated in my name [*see schedule 1 on page 1583*].

These six amendments relate to some of the dozen or so strict liability offences contained within this legislation. Some of these are pretty straightforward and quite simple and I do not have a particular problem with them. But, for instance, clause 46 makes it a strict liability offence to deface an identifying tag. I think anyone who has a rudimentary understanding of how things work in rural industries and the significance of brands, marks and tags would know that it is probably not a good idea to do that.

Often in the course of dealing with stock—and I have some experience in dealing with stock—ear tags and tail tags do get damaged. The thing is that this is a strict liability offence. If they are damaged and you could say who damaged them or who was around when they were damaged—they could be damaged in a crush and they could get damaged in loading and unloading—that person would be guilty of an offence, and there is no issue of whether he intended to damage them. This is the problem with strict liability offences, so I seek to omit that.

There is also an offence in clause 51 of failing to destroy a tag when it is necessary to do so. That again is a strict liability offence. If somebody writes to you and says, “Destroy the tag” and you do not do it, you are immediately guilty of an offence, for which there is a fine. But the thing is that it should, as far as I am concerned, be incumbent upon the authority that says “destroy the tag” to impress upon the person that they are instructing that that tag really does need to be destroyed, and why.

The thing is that people are busy around the farms. You see tail tags and ear tags—they do hang around the place—and that is an offence. The person responsible for that will be found guilty of an offence and fined, I think, 50 penalty units—but I will just check that—because he did not actually get around to destroying it. Yes, there are issues, but we should be really concerned about the intent—whether somebody really did intend to do something nefarious by not destroying a tail tag. There are problems with not destroying tail tags but the “you haven’t done it so we’ll have you for 50 penalty units” does not seem to be appropriate.

In clause 70 there is the issuing of a fine in an emergency situation. People can require you to do particular things in an emergency and, if you do not do it, you are subject to a strict liability offence. Slapping a fine on somebody in the middle of an emergency is not going to stop the spread of foot-and-mouth disease or BSE in this country. As I said before, afterwards if somebody is found to have done something wrong, by all means take them to court and establish intent. But slapping a fine on somebody in the heat of the moment is not actually going to solve the problem that we are facing. The problem that we would be facing is not whether someone does something stupid but whether or

not we are actually tackling an outbreak of a terrible disease like foot-and-mouth disease, BSE or avian flu—if it ever got here, heaven help us—or newcastle disease, which has happened in the past.

It just seems that these provisions are unnecessarily draconian and do not actually go to the heart of the issue that we are addressing. We should be winding back our reliance on strict liability offences and should not be using them as a means of bureaucrats “besting” people in times of adversity. Therefore, I would commend the amendments to the house.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.35): The government will oppose the amendments. I think the amendments, suggesting that it should not be an offence or a strict liability offence if a person deliberately alters an approved tag, to some extent reflect a rather blase attitude to the potential impact of, say, foot-and-mouth disease or mad cow disease in Australia. The whole scheme at the base of the legislation is that we have, to the extent that we can possibly achieve it under the national livestock identification system, a scheme that allows every single animal to be identified and tracked.

In order to do that, every animal will be tagged with an approved tag, and we have made it an offence to deliberately alter an approved tag. The Liberal Party believes that the system could be corrupted to that extent. Imagine the consequences of that: a tag on a particular animal is removed and altered and used on another animal. Just imagine the extent to which that corrupts the national identification system—corrupts it completely, absolutely corrupts a system designed to protect Australia against the spread of, say, foot-and-mouth or mad cow disease in the nation.

The Liberal Party does not think that it is serious enough to be regarded as a serious offence. I am absolutely flabbergasted that the Liberal Party would adopt such a blasé attitude to the possibility or the prospect of not having the level of control or management of an outbreak of, say, foot-and-mouth disease—heaven forbid—or mad cow disease that provisions such as this are designed to prevent.

The offence is to deliberately alter an approved tag, a tag that is used to identify a particular animal under a national scheme of livestock identification, to ensure that we know at all times the history of a particular animal. It is fundamental to the scheme and it is fundamental that it be regarded and acknowledged as a serious offence. Similarly, clause 51 states:

- (1) A person who is issued a tag number commits an offence if—
...
- (b) the person fails to destroy each tag with the number as soon as practicable after being told about the cancellation.

Once again, it is the same issue. It is the same issue around the importance of ensuring that every step is taken to guarantee that the national livestock identification system is not corrupted. Mrs Dunne gave an example of tags lying around and becoming confused as between animals. That is the whole point of the system: you cannot just pick up a tag that you find lying on the ground, because you did not bother to destroy it, and then attach it to another animal on the basis that it might have lost its tag and you cannot be bothered chasing it up. Just imagine the mayhem and the confusion—and the danger that

that represents to Australia—if all of a sudden an animal that had been identified for the purposes of the identification scheme picked up another tag. The whole system would be corrupted.

We should have regard to the way in which Europe now deals with these issues. In places where foot-and-mouth unfortunately is a periodic occurrence, they now can track absolutely each animal within the nation, precisely; they can track its route through the country through a scheme such as this—and it is vitally important that it not be corrupted and that everybody understands how important it is. That is why these offences are of the nature they are. The scheme would be absolutely corrupted if the message was sent that this is really just like the good old days: you tag your cattle and, if one of them drops off or a few drop off, you just pick them up and reattach them; it does not quite matter to which animal as long as they are tagged. It does matter—it matters fundamentally to this scheme—and that is why these provisions are important and that is why the government will oppose these amendments.

MRS DUNNE (Ginninderra) (5.40): I have to respond to the constant burbling of the Chief Minister on this. There is no dispute between the Chief Minister and me about the seriousness of the offence. The offence is there and there are quite substantial fines. My contention is that, if an offence has been committed, take somebody off to court and prove their intent to do it. This is not about corrupting the scheme.

I think that the penalties should be strong and I want it on the record that I believe the penalty should be strong and that people, if they have done the wrong thing, should be prosecuted. But they should be given the full benefit of the Australian legal system which allows them to be innocent until proven guilty. All of this bluster of “I’m more interested in the authenticity of the system than is Mrs Dunne” is just nonsense; it is just bluster and burbling from the Chief Minister.

At no time has anyone in this place said that we think that the fines are too heavy or that there is too much emphasis on the penalties. These are serious offences and therefore a government agency should be prepared to take someone to court and prove their intent to do something wrong before they are fined in Australia.

Amendments negatived.

Remainder of bill, as a whole, agreed to.

Bill agreed to.

Stock Bill 2005

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

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.42): As I said before, this bill works in concert with the Animal Diseases Bill just passed. Again, the Liberal opposition supports the general thrust of the Stock Bill, which repeals the old Pounds Act of 1928 and amends the Stock

Act of 1991. As we said before, we have taken all the animal diseases provisions out of these pieces of legislation and put them into the Animal Diseases Bill just passed.

It is, generally speaking, a brushing up and a bringing up to date, and again it deals with important issues. As I have said, the bill includes parts of the old Pounds Act 1928 and makes considerable changes to the measures for impounding stock which, generally speaking, are welcome. It allows a land-holder to impound stock that has trespassed onto its land and to have the chief executive arrange for the sale of impounded stock.

It also means that the chief executive—and this is a considerable innovation which makes it much easier for people to impound wandering stock—is responsible for impounding uncontrolled stock on unleased land, on a road verge or on a road. The chief executive may also make decisions about the destruction or disposal of stock in ways that he thinks appropriate. I had concerns with the provisions that the territory obtains the proceeds of sale of unidentified stock even if they are impounded on leased land but, after consultation with parliamentary counsel, I think my concerns in that regard have been overcome.

The bill also provides for more a flexible permit system for travelling stock to assist in managing disease issues. The bill also allows for the recognition of interstate permits, with appropriate checks. This will make it easier particularly for ACT graziers, who obtain most of their stock from interstate. I had some issues about stock permits but I have been assured that, if someone asks for a permit to move stock, they are basically issued on request.

The thing that I thought was a bit quirky was that, if I want to move a lot of stock, I can apply for a book full of stock permits. I have an open mind on this but I am not quite sure whether that provides any security to the proper handling of stock. If I have a book of stock movement permits, what is to stop me dumping a few cattle on the side? I have a permit for them because someone will have issued me with a book of them. I am not proposing to do anything about that at the moment but I think it is something that needs to be watched. Perhaps the book should not be too large in size and there should not be too many permits issued to the one person at a time. That is just a matter of caution.

As with the Animal Diseases Bill, there are issues in relation to strict liability offences which are of concern. As I have said before, I do not have a problem with the offences; I have a problem about the lack of requirement to prove that someone intended to do something wrong.

This is, I think, a considerable departure—an increasing departure—in ACT legislation, which I think we need to be wary of. I suppose I will continue to say this. We need to be wary of that. I think we should be grateful to the scrutiny of bills committee because of the thoughtful approach they have taken on this over a number of years. They have been very thoughtful on the issue of strict liability offences.

I think we have now broken with the process whereby we had offences that had jail terms that were made strict liability offences. I recall in the last Assembly amending out some jail terms that were strict liability offences. I do not have a problem with people being taken to trial because something is serious, but I think it is important that we do it in an appropriate way that looks to the conventions of our legal system.

I think it is worth quoting from page 3 of scrutiny report 6, where the scrutiny committee refers to previous decisions in relation to people's right to a fair trial. Quoting Mr Justice Kirby, it says:

Everyone has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

That is why I have proposed a small number of amendments to address some of the more egregious strict liability offences in here. As I said, I also have a few concerns about the disposal of stock after impounding. I thought that some of the provisions in clause 39 were a little onerous for stock owners because it basically says that, once stock have been impounded and the owner identified, they must collect the stock within 14 days or the chief executive must sell the stock.

I understand the rationale behind that and have discussed changing the "must" to "may". I understand the reasons why we do not do that, but I would like to provide some leeway. Take the example someone who owns the stock and who is out on a stock route; there might be a drought, and most of the stock is a long way away. They are rung by somebody in the ACT who says, "You've got 14 days to collect your stock." They say, "Gee, I am in Gulargambone; I can't get back to collect my stock in 14 days. Can I have a bit of leeway?" As it currently stands, there is no leeway. The chief executive will sell the stock and the stock owner will bear the cost of that. I would like to provide some leeway. There is an amendment to address that issue.

Generally speaking, as I said, the opposition is supportive of this legislation. Generally, I think it is good legislation; it is an improvement; it makes life easier; and it is important that there is consistency across the jurisdictions. That very important issue was raised with me by the rural lessees association, but there are still a few matters of concern which I will address in the detail stage.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.50), in reply: Like the Animal Diseases Bill, the Stock Bill will support operations in the primary industry sector, particularly in respect of the management of animal diseases and issues arising from straying stock and stock movement.

The bill will replace the Stock Act by updating it and including key parts of the Pounds Act. The Pounds Act will be repealed. Some specific elements of the Stock Act associated with transmission of disease through stockfeed have been transferred to the new Animal Diseases Act. The Stock Bill addresses the need to effectively handle straying stock and to assist with the verification of ownership of stock that is being "travelled"—moved or transported from their normal place of holding.

The amendments will allow the government to take effective action to deal with straying stock. They will remove the ambiguities associated with what to do with straying stock and how to handle stock that trespass onto public or private land. For example, occupiers of land will be able to impound stock that trespass onto their land. This differs from the current legislation, where stock may be impounded only in officially declared pounds.

This is an onerous provision where land-holders are required, at their own expense, to move stock to an official government pound before they can formally deal with it.

The amendments will also allow for recovery of costs associated with the management of straying stock, if the outcome of an impoundment is sale of the animals concerned because they cannot be returned to the owner. Sale proceeds will be able to be directed to recovering the costs of maintenance, transport and sale. If a land-holder who impounds straying stock cannot contact the owner, or if the owner does not retrieve the straying stock, management of the matter will be taken over by the government.

The bill will continue to provide for the issue of a travelling stock permit. Travelling stock permits are a longstanding and necessary process to ensure that ownership of stock that is being travelled can be satisfactorily demonstrated. It also provides a record of stock movements in the case of a disease incident, or where ownership of stock becomes a matter of dispute.

Travelling stock permits generally are a record-keeping device. Normally there is no reason to refuse an application, which can be received at short notice if unplanned stock movement is contemplated. However, on special occasions there may be justification to refuse a permit if the movement is linked to disease, to a disease incident or if stock ownership is in dispute.

For this reason a review of a decision to issue a permit is not provided for in the amendments. This is primarily due to the nature of the activity of travelling stock. An application for a travelling stock permit is usually made a couple of days before, or even the day before, the stock is due to travel, typically to a saleyard for auction. A review of a decision would delay this routine process unnecessarily. It would be a rare occurrence for a person to be denied a permit to travel stock.

Every owner has to sign a travelling stock permit and state that the stock are legally theirs. Travelling stock permits can also be used to trace back diseases in the journey. This includes any stopovers that would indicate if stock had been moved for agistment or sold in a paddock.

The bill provides for New South Wales stock permits to be recognised in the ACT. This is an efficiency measure that will reduce duplication of equivalent processes. The bill also continues existing provisions for the registration of stock marks. A mark may be a brand, a tattoo or an earmark. Marks are registered and may only be applied by the registered owner. This mechanism helps ownership of stock to be clarified and helps to identify stock. It is an offence for a registered mark to be used by anyone other than the registered owner of the mark.

The Stock Bill also contains provisions for the application of a stock levy to rural properties. An amendment allows the levy to be set so as to recover the costs of administering it. The stock levy is determined according to the stock-carrying capacity of a property. It is a contribution to the costs of providing government services to the primary industry sector, such as agronomic advice and veterinary services.

The Stock Bill 2005 brings our stock impounding and movement controls up to date. There is a high degree of consistency with New South Wales legislation, and efficiency

measures have been introduced. Together with the Animal Diseases Act, important developments in a national approach to the management of stock disease can now be much better accommodated. I commend the Stock Bill 2005 to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principal.

Detail stage

Clauses 1 to 38, by leave taken together and agreed to.

Clause 39.

MRS DUNNE (Ginninderra) (5.55): I move amendment No 1 circulated in my name on the green paper [*see schedule 2 at page 1583*]. As foreshadowed in the in principle remarks, this is an amendment to clause 39 to allow some leeway to the chief executive in a case where a stock owner may not be able to collect his stock within 14 days.

As it currently stands, if the stock is not collected within 14 days, the chief executive must sell the stock. This amendment gives the chief executive some leeway if there are a few days either way, rather than going to the expense and inconvenience of a sale. I consulted at length with parliamentary counsel about how we might best tackle this, and this was their best advice. I commend the amendment, which would make everyone's life just a little easier.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.56): The government will oppose the amendment. The government's view is that an extension of time for the selling of impounded stock should be agreed to only if maintenance costs can be recovered from the owner. It is reasonable that the chief executive retain that discretion.

Amendment negatived.

Clause 39 agreed to.

Clause 40.

MRS DUNNE (Ginninderra) (5.57): I move amendment No 2 circulated in my name on the green paper [*see schedule 2 at page 1583*]. I move this amendment because, I suppose in a way, I am concerned about the provisions whereby the territory basically, when all else fails, is in receipt of any benefits from the sale of impounded stock.

This is an amendment that will allow the owner of the stock more time to come forward and obtain the benefits of such a sale, if such benefits exist. It is consistent with some of the other sale of goods provisions in other legislation where the money is held in trust for a period longer than one year. I commend the amendment to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.57): The government opposes the amendment. The government believes that one year is ample time for somebody to claim the proceeds of a sale.

Amendment negatived.

Clause 40 agreed to.

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

MRS DUNNE (Ginninderra) (5.58): I seek leave to move amendments Nos 3 to 5 circulated in my name on the green paper together.

Leave granted.

MRS DUNNE (Ginninderra): I move amendments Nos 3 to 5 circulated in my name together [*see schedule 2 at page 1583*]. I do not think we need to have this debate again. These are other provisions because I think it is unreasonable that people should be fined sometimes substantial amounts without the right of anyone proving that they intended to commit a crime. These are crimes and, if they are crimes, they should be punished in the normal way. I commend the amendments to the house.

Amendments negatived.

At 6.00 pm, in accordance with Standing Order 34, the motion for the adjournment of the Assembly was put and negatived.

Remainder of bill, as a whole, agreed to.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Standing Committee on Estimates

MRS DUNNE (Ginninderra) (6.00): Yesterday during its party room deliberations—and I have permission to discuss party room deliberations in this place—the Liberal Party room resolved as follows:

- (1) notwithstanding the numerical makeup of any Legislative Assembly, we will always ensure proper scrutiny of any executive business by Assembly committees;
- (2) specifically the Liberal Party will not flout the standing orders or disregard parliamentary practice to avoid scrutiny of major business, especially budgets;

- (3) committees should always reflect the makeup of the Legislative Assembly; and
- (4) the Leader of the Opposition's nominee should always chair a select committee on estimates; and, further, refers this to the ACT Liberal Party policy committee for consideration of appropriate measures to be inserted into the party's platform so as to bind future parliamentary parties.

I am proud that the ACT Liberal Party room unanimously passed that motion yesterday. I am proud to be able to stand here today and say that the ACT Liberal Party, on every occasion, is unafraid of scrutiny; and that the ACT Liberal Party, when it obtains the government benches next, will not take the opportunity of temporary felicitous numerical superiority to ride roughshod over the Legislative Assembly and the people of the ACT. We will always be prepared to have scrutiny of our budgets.

When you think about it, the government's manoeuvrings over the last couple of days—by attempting to prevent Dr Foskey from becoming a part of the estimates committee and by clearly stating its intention to take unto itself the chairmanship and the majority of the estimates committee—are its attempt to close down scrutiny. Members of the estimates committee are going to have to be particularly careful this year that the government members do not spend a whole lot of time trying to stop them from asking questions and pursuing particular lines of questioning.

That is what estimates are about. They are very inconvenient to governments for two or three weeks. Sometimes estimates committees will say things in estimates reports that are very inconvenient to governments that they will have to wear. At the end of the day, this government will get its budget, irrespective of what is in it, because it is a majority government. Why do they have to be afraid of two or three weeks worth of scrutiny? What is this government afraid of, that it will go to the lengths to which it has gone this week in an attempt to control the estimates committee in such a way as to close down real scrutiny?

I commend the decision of the ACT Liberal Party. I challenge the ACT Labor Party to make a similar undertaking, have it entrenched in its platform and bind its future members. I also commend to my colleagues and crossbench members who will be on the estimates committee the need to be exceedingly vigilant this year to ensure that the government does not entirely close you down, so that the scrutiny we expect in estimates does not become a sham run by this government.

Greens' staff Ms Regan Field

DR FOSKEY (Molonglo) (6.04): Every member of this house is beholden to their staff but I think that, as a lone crossbencher in this place and a new person, I am particularly in need of supportive and good people on my staff. Today I want to acknowledge the people who have helped me.

Often when I speak here I say "we". That "we" is not the royal "we"; it is the "we" referring to me and my staff. I do not have a party room here, but yet I do not feel as though I am on my own because I have staff who are just wonderful to work with. I want to name them here and mention one in particular.

During the time I have been here I have had, people will have noticed, a little bit of coming and going from my office. For a while I had Andrea Simmons helping me—she was our campaign coordinator. Since her passion is concern about people with a disability, she has moved on to work in that area. For a brief time I had Claire Holsinger. Everyone knows Roland Manderson, of course, who is currently travelling overseas. He will work with me until the end of my term and hopefully even for another, if I am so lucky.

In my office at the moment are Clare Henderson, Kate Taylor, Sam Page and Regan Field. I just want to say, in particular on a day like today, that I have really appreciated their advice. This is a bit of a special day because this is the last sitting day that I will have the support and help of Regan Field, who everyone has probably come to know and, I hope, appreciate as I do. I want to acknowledge her work in the Assembly over the last 20 months.

Regan began work with my predecessor, Kerrie Tucker. It was lucky for me that Regan was able to stay on and be part of my staff for the last six months. I absolutely needed the sort of advice and experience that she has been able to give me with, I have to say, her extreme integrity and her highly moral approach to every issue we have discussed.

Regan is finishing in the Assembly tomorrow because she has been wisely chosen as a youth ambassador for development. While Regan finishes being paid tomorrow, it is very likely that you will see her a little more over the next couple of weeks. I think she wants to make sure that everything she knows is implanted in the brains of everyone else before she takes off!

Youth ambassadors for development are skilled young Australians who are placed on short-term assignments in developing countries throughout Asia and the Pacific. The Australian youth ambassadors for development program is run by AUSAid and was launched in 1998 by the Minister for Foreign Affairs, Alexander Downer. The purpose of the program is to strengthen mutual understanding between Australia and the countries of the Asia-Pacific region and to make a positive contribution to development.

Regan will work as a project management officer with the Solomon Islands Development Trust. I am sure everyone here will join me in wishing her the best of luck over that year of work in the Solomon Islands. I hope we might see her back again in the future.

Ms Stephanie Mikac

MS MacDONALD (Brindabella) (6.08): I rise this evening to give my thanks to somebody who has worked in this place for five years, because she will be leaving at the end of next week. That is Stephanie Mikac, who is the secretary of the public accounts committee. Stephanie leaves here next Friday for a new position at Parliament House. I, for one, will sorely miss her work in this place.

Stephanie has worked in a variety of positions in the Assembly over the past five years. She first started working in chamber support as a graduate administrative assistant in January 2000. In February 2000 she was appointed as a notice paper officer. Apparently

she was working here for a couple of months in 1999, so she has been in and out of the place for more than five years.

In July 2002 Stephanie commenced a six-month secondment in the Chief Minister's Department and, in March 2003, joined the committee office as public accounts secretary. Stephanie also worked as the education officer from September last year to January this year.

As deputy chair of the public accounts committee in the Fifth Assembly, and as a member of the committee in this Assembly, I have had the privilege of working very closely with Stephanie. The contribution and assistance she has given the committee at all times has been greatly appreciated.

In the Fifth Assembly Stephanie worked on a large number of reports, including the inquiry into the Rates and Land Tax Amendment Bill 2003, revenue raising issues in the ACT, the General Agreement on Trade in Services—or GATs—with special reference to the ACT report, and of course a variety of Auditor-General's reports, just to name a few.

Her help with both this and the Fifth Assembly's public accounts committee has been invaluable, especially given her knowledge of the workings of this place and the ACT government. She has, of course, worked within a federal government department as well, and she has qualifications of a bachelor of economics and an MBA in government. I am quite sure those qualifications have assisted in providing the excellent advice she has at all times given the committee.

Stephanie organised for members of the PAC to attend the Australasian Council of Public Accounts Committees eighth biennial conference, held in Brisbane in early February this year. I know that her assistance and company was greatly appreciated. Stephanie has always been a professional. This was demonstrated again during the recent annual report hearings.

I should put on the record that I feel like I have been in public hearings forever, from what has taken place this year. Part of the reason I have had that feeling is that the public accounts committee has had seven public hearings in the space of the last two months.

Going back to Stephanie, she has not only been a valued work colleague but also a valued friend. I know I will sorely miss her advice and her excellent work in this place. I personally do not think you could find a better secretary for the public accounts committee. I wish her all the best for the future.

War Memorial ceremony

MR PRATT (Brindabella) (6.12): I rise tonight to salute our veterans and war widows and particularly to talk about a group who yesterday attended a wreath-laying ceremony at the war memorial. I also want to salute the bonding that we increasingly see between our older veterans, the widows of others and our youth. The exercise yesterday really showed that interesting tie-in between those two different generations.

It is great to see this resurgence in interest in Anzac. This is something that has been raised here before but it seems to me to be getting stronger. I refer to a piece here in the

paper. We had Sally Reynolds helping out a number of our older people. According to the *Canberra Times* yesterday World War II nurse Betty Stone, who participated in the wreath-laying ceremony, said that, for her, the day brought back a lot of memories, both good and bad, and was a great opportunity to reflect on her past service. Mrs Stone had spent four years in Borneo, where her duties included treating prisoners from the infamous Changi prisoner of war camp. The article reads:

“It’s a time to remember my mates and the days we had nursing the sick and trying to get them back to Australia as quickly as possible”, the 87-year-old said.

The young winner of the Simpson prize for essay writing, Sally Reynolds, read the famous John McCrae poem *In Flanders Fields* as part of that ceremony. Sally Stone said that she was deeply touched to be involved in that experience. The paper then talks about a young female army officer cadet from Duntroon and another from ADFA, who were also participating. Young cadet Hoe said that it was a great privilege for her to be involved in the ceremony, and that she intended to go on representing and carrying on with the Anzac tradition.

I was reminded of my son and his five mates who last year, at great expense—and they do not have much money; I probably had to pay for it myself in the long run—traipsed their way through the Flanders Fields to pursue a little piece of Australian history. My son is treading in the footsteps of his great-granddad.

Despite the pressures against youth in recent years to not necessarily embrace the Anzac spirit, I am proud to say that our youth have simply shrugged that off. They have come back to that old spirit; they are driven to learn more about the Anzac tradition in a curious, calm, but respectful way. I think it is something we should be quite proud of.

Finally, I would like to salute Betty Stone, all of our remaining veterans and the widows of others who have given so much to this country. By the way, those people have a great deal to teach—by example, discussion and story telling—our younger people, who seem to be finding again an interest and driving a resurgence in learning much more about the Anzac spirit.

Kootara Well promotion Ms Dianne Bradford

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (6.16): I would like to inform the Assembly of the launch today of the Kootara Well promotion for 2005.

Kootara Well is a health and wellbeing project which was launched by the Chief Minister in April 2002 and is now entering its fourth successful year at Narrabundah primary school. Within Narrabundah primary school a clinic room and a health promotion room have been specially set up to provide a variety of free health and support services to students, their families and the local community.

As well as being vital to the physical health and wellbeing of the local community, the co-location of services at the school has helped to forge stronger ties between the school

and the people of Narrabundah. The health promotion room is a welcoming place where families can use the internet, have a cup of tea, or have a chat with the intake worker or the doctor on roster, all while picking up useful health information.

The facility is able to meet the needs of the community. Health services at Kootara Well are well used by parents, students, local residents and students from Narrabundah College. The variety and flexible delivery of services at Kootara Well is an invaluable resource and allows Narrabundah primary school to work with partner agencies to quickly identify and address health issues in the student population.

Kootara Well is a partnership of agencies between Narrabundah primary school, schools as communities, Winnunga Nimmitjiah Aboriginal health services, ACT Community Care and Marymead. It is an excellent example of the ways in which our schools, working in partnership with other agencies, contribute to the long-term development and success of their students and the community as a whole.

The success of Kootara Well depends on the generosity and dedication of those involved—people like Dr Peter Sharp, senior medical director at Winnunga, who has been providing his services every Tuesday morning for many years. This year's Kootara Well promotion was launched by Professor Michael Sawyer, director of the research and evaluation unit at the children and adolescent mental health service of the Women's and Children's Hospital in Adelaide.

I would like to thank and congratulate all those involved, particularly Trish Keller, the principal of Narrabundah primary school, who has been a driving force behind enhancing services for the community involved in Narrabundah primary school. I would like to congratulate them for their ongoing work and their commitment to the students at Narrabundah primary school.

I would also like to congratulate Ms Dianne Bradford, the career adviser at Erindale College, for her significant achievement in being awarded a \$5,000 school career adviser scholarship for academic study. Ms Bradford is one of 54 school career advisers around Australia who have been awarded an Australian government scholarship to undergo either further professional development and study or an industry placement. She is the current president of the ACT Career Education Association.

Ms Bradford is very active in helping to organise the annual careers advisory service, which is a free four-day service, held in the January school holidays, for school leavers and mature aged workers seeking career advice. She will be undertaking a PhD through Edith Cowan University and will be looking at what variables impinge on students' career development plans.

We recognise that, in assisting students to find the best pathway for their transition from school to work, quality career guidance is critical to their futures. In the 2003-04 budget we provided more than \$1.8 million over four years for a career education support service for government and non-government schools. This initiative aims to assist schools to give effective guidance to students choosing a pathway to work, further study or training.

The excellent work being done in ACT schools was also recognised in December last year when Stromlo high school received a \$10,000 career education lighthouse school grant. It was one of 70 schools across Australia providing best practice in career education in secondary schools. I would like to congratulate Ms Bradford again on this exciting opportunity in her career and wish her all the best for her studies. I know students she will work with will benefit greatly from her skills and knowledge.

National Youth Week

MR SESELJA (Molonglo) (6.20): I would like to draw the attention of the Assembly to the upcoming National Youth Week, which has already been mentioned by Ms Gallagher and is being held from this Saturday until Sunday, 17 April 2005. The week is being launched tomorrow morning at the Gorman House Arts Centre at 9.30. I recommend that all members show their support for the youth of the ACT by endeavouring to attend functions that are being held during the week.

One function I will be attending is the Gungahlin youth centre's day at the Gungahlin skate park, Yerrabi Ponds, to be held on Saturday between 11 am and 3.30 pm. I am pleased to say that there will be a variety of entertainment on offer, with some of Canberra's well-known performers—Hayley Jensen and DJ Danielson from Koolism—as well as other emerging local bands.

There will also be a barbeque, in-line skating demonstrations, jumping castles, a skateboarding contest, and the event which I am looking forward to the most—Sumo suit wrestling. I congratulate Anita O'Heir and the staff of the Gungahlin youth centre and the Gungahlin Regional Community Service for the great work they have done in organising this event and for their ongoing work with young people in this growing area of Canberra.

Young people in our society, and indeed in the Canberra community, are often looked down on or subjected to negative and critical images of them being presented through the media and other forums. National Youth Week is an important opportunity for us to celebrate the valuable contribution young people make to many different areas of our community.

Members may recall my inaugural speech in this place, when I highlighted the significant problem that youth suicide presents, particularly to young men, with rates of male suicide in the ACT about four times the rate for women—and that a young man is more likely to die as a result of suicide than in a car accident.

I think it should also be pointed out that, while rates of male suicide are much higher, I have seen recent figures showing young women presenting to hospitals with self-harm injuries. The rate of attempted suicide in women is much higher than that for men, so it is a significant issue among women. It is slightly different, but it is significant as well.

I also received figures from both Ms Gallagher's and Mr Hargreaves's offices relating to the number of young people thought to be subject to homelessness on any given evening in the ACT. I am told that the figure is around 30, although I understand it is pretty

difficult to gauge. Obviously, if it is 30 young people, it is 30 young people too many who are possibly cold, hungry and have nowhere to turn to on any given night.

These are significant issues without easy answers, but I think it is important that there be a public discussion about some of the serious issues affecting our youth. National Youth Week is an opportunity for us to address issues of this type, to consider the work we do in this place and how we might seek to solve these issues so that our youth receive the opportunities they deserve as they progress through life in our community.

Valley FM radio station Seniors Week

MR GENTLEMAN (Brindabella) (6.23): I rise to commend the work of Tuggeranong radio station, Valley FM, in their engagement with Seniors Week celebrations. Valley FM makes an important contribution to the Tuggeranong community in broadcasting 24 hours a day, seven days a week, encompassing so many aspects of life in Tuggeranong.

Valley FM was successful in winning a grant for seniors under the Chief Minister's Seniors Week community grants program. This was announced on Monday, 4 April. With the assistance of this grant and with the commitment of the staff of Valley FM, Valley FM will now be able to train up to 40 senior radio announcers over the next few months. This will enable senior residents and members of the Tuggeranong community to become active in the community station and to be trained in public broadcasting skills.

The interest in this proposal and the support for the station by seniors in the community was evident on Saturday, when more than 55 senior citizens attended the seniors open day held at the station. Although not a senior yet, I too attended the station and thoroughly enjoyed hearing the history of its origin.

Chris Moy provided visitors with a tour of the station, refreshments and an introduction to some of the senior presenters on Valley FM. The community grants program associated with this opportunity provides a fantastic resource for the station. It allows the station and the community to reach out to seniors and facilitate their participation in such great opportunities for skilling and involvement.

Participation is a strong and recurring theme of Seniors Week. From 2 April to 10 April 2005 "Having the time of our life", as the theme of Seniors Week this year, is a great expression of the intention of the organisation of such events for senior citizens in our community.

Seniors Week has been discussed in the chamber this week. Mr Mulcahy spoke about it in his adjournment speech on Tuesday, and mention has been made of the excellent array of activities and festivities available in that week. Along with free ACTION bus rides for seniors, events include concerts, picnics, services and a range of activities. The Chief Minister's free concert at the Hellenic Club yesterday was booked out. Some 900 people attended and thoroughly enjoyed the function. These activities provide a great opportunity for seniors to be involved in an even greater array of activities in our community.

As with the example of Valley FM, participation of senior citizens in our community is extensive. Seniors Week is a great showcasing of the events, activities and involvement of seniors in our community. It is the work of committed participant organisations like Valley FM in these activities that provides such excellent opportunities—together with the ongoing practical and financial support of the ACT government, in addition to the community grants initiative—to make such an outstanding contribution to our community.

Health—radiation oncology Hospital waiting lists

MR SMYTH: (Brindabella—Leader of the Opposition) (6.26): I will use up the last couple of minutes to finish my speech from last night that I, unfortunately, did not get through. The final points of my speech are—and this is for Minister Corbell—about radiotherapy treatment.

This is what happened: in December 2001 the government appropriated money—some \$2.75 million—for various radiotherapy equipment. This included not one but two multileaf collimators, a CT simulator and new planning software. In July 2002 the estimates committee was told that the new equipment was installed “and we now have a planning system that is one of the best you can get”. Remember, of course, that Mr Corbell had been blaming the failure to deliver radiotherapy services on the fact that the planning system had failed. This is what estimates was told—I will read it again. It says:

... we now have a planning system that is one of the best you can get. It’s a three-dimensional system and it enormously improves our ability to plan the radiation therapy for our patients.

The fact that this is a 3D system indicates that, in 2002, it was already linked to the CT simulator; so Mr Corbell might like to seek some more information from his department on that score. In March 2005 the minister, under the hammer on radiotherapy services, made up some claptrap about a replacement planning system and was caught out by the opposition. I think the minister should come down and correct the record.

The other point that I would like to take up with the minister is that today in question time, in response to a question from Mrs Burke, Mr Corbell said:

The point I need to make is that those data have been affected by some changes in relation to measuring both outpatients and inpatients.

The gist of it seems to be that some services previously provided at the hospital and counted as in-patient services are now outpatient services. I think the minister needs to come down and tell us which elective surgeries—and I use the term “elective surgeries”—are being done as outpatient services. I suspect the answer is none. People are waiting for admission. If the surgery were being done when they were outpatients, they could have got the surgery. So the minister’s answer this afternoon is incorrect yet again.

The interesting thing is that in the year 2003-04 the total number of surgeries, both in-patient and outpatient, was 309,244. The estimated number of surgeries for the year 2004-05—the current year—is 299,981, a drop of 9,263 surgeries across the board. So when Mr Corbell said, “Oh, but we are doing an extra 200 surgeries” he forgot to tell the Assembly, forgot to tell the people of Canberra, that they have cut back the total number of in-patient and outpatient services by 9,263.

I think the minister should correct the record, because the reality is that elective surgery is declining in the ACT. Despite the minister’s protests elective surgery, according to the latest figures, has dropped by 13 per cent at Calvary and by 8,000 surgeries at the Canberra Hospital.

The Assembly adjourned at 6.29 pm until Tuesday, 3 May 2005 at 10.30 am.

Schedules of amendments

Schedule 1

Animal Diseases Bill 2005

Amendments moved by Mrs Dunne

2

Clause 46 (2)

Page 23, line 17—

omit

3

Clause 51 (2)

Page 25, line 23—

omit

4

Clause 65 (4)

Page 35, line 21—

omit

5

Clause 70 (5)

Page 40, line 19—

omit

6

Clause 71 (6)

Page 41, line 24—

omit

7

Clause 72 (4)

Page 42, line 16—

omit

Schedule 2

Stock Bill 2005

Amendments moved by Mrs Dunne

1

Proposed new clause 39 (1A)

Page 19, line 7—

insert

- (1A) However, if the owner requests the chief executive not to offer the stock for sale until a further reasonable time, the chief executive must comply with the request.

2

Clause 40 (3)

Page 19, line 27—

omit

1 year

substitute

5 years

3

Clause 47 (4)

Page 23, line 15—

omit

4

Clause 52 (5)

Page 27, line 4—

omit

5

Clause 53 (6)

Page 28, line 9—

omit

Answers to questions

Public service—staff and services (Question No 72)

Mr Berry asked the Minister for Economic Development, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contracts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and
- (3) types of services provided.

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

- (1) 331.5,
- (2)
 - (a) 237.49,
 - (b) 12,
 - (c) 115,
 - (d) 71,
 - (e) 30,
 - (f) 8,
 - (g) 11,
 - (h) 13,
 - (i) 4,
 - (j) 28,
 - (k) Nil,
 - (l) Nil,
 - (m) 25,
 - (n) 11,
 - (o) 4,
 - (p) Nil,
 - (q) 5,
 - (r) Nil,
 - (s) Nil, and
- (3) Gambling research, computer software updating, database software development and maintenance, internet software development and maintenance, cleaning, landscaping,

horticultural, portable buildings, signage, event publicity, traffic management, research, provision of plant material, advertising and marketing, communication, catering at events, provision of merchandise, employment of Rally Clerk of the Course, temporary staff, crane hire, performers, sport and recreation programs, administration, facility management, business support and development services, phone operator, and consultancy and research.

**Public service—staff and services
(Question No 80)**

Mr Berry asked the Minister for Urban Services, upon notice, on 15 February 2005:

For each agency for which the Minister is responsible for the financial year 2003-2004 could the Minister provide the following information:

- (1) total number of staff;
- (2) number of (a) staff expressed as full-time equivalent, (b) permanent part-time staff, (c) casual staff, (d) casual staff employed for one or more years, (e) casual staff employed for five or more years, (f) staff employed on AWAs, (g) staff employed as contractors and consultants, (h) staff employed for more than three months as contractors and consultants, (i) labour hire farms, (j) staff employed through labour hire firms, (k) staff employed for one or more years through hire firms, (l) staff employed for five or more years through hire firms, (m) contracts containing labour hire component, (n) contracts with no labour hire component, (o) services outsourced, whole, in part or unidentified, (p) contracts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contracts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and
- (3) types of services provided.

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

In response to the above questions I refer you to pages 150 to 151 and pages 162 to 186 of the Urban Services Annual Report 2003-04 (copies of which have been tabled with the Chamber Support Office).

In relation to the residual information, after careful consideration of the questions, 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.

**Birrigai
(Question No 119)**

Mrs Dunne asked the Minister for Planning, upon notice, on 15 February 2005:

- (1) In relation to proposals to build flexible accommodation at Birrigai, what is the total number of units proposed;

- (2) How many (a) motel and (b) cabin units are proposed to be available;
- (3) When will this accommodation be completed;
- (4) Will this accommodation be operated by the ACT Department of Education and Training or subleased to private operators;
- (5) If it will be operated by the ACT Government, what is the estimated level of staffing;
- (6) Have the plans for this accommodation been finalised;
- (7) Have these proposals been approved by the Tidbinbilla Valley Board;
- (8) Has a development application been submitted to the ACT Planning and Land Authority (ACTPLA); if so, has ACTPLA approved the development application;
- (9) If a development application has been submitted but not yet approved, has ACTPLA advised of any concerns about the proposal;
- (10) Has any work been done to determine the financial viability of this proposal; if so, what was the outcome.

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

- (1) A total of seven (7) cabins is proposed.
 - (2) Seven cabin units proposed to be available. There are no motel units.
 - (3) This is an operational issue. A response will be provided under separate cover by the Minister for Education and Training. Notwithstanding, the *Land (Planning and Environment) Act 1991* requires completion within two years from the date of the approval.
 - (4) This is an operational issue. A response will be provided under separate cover by the Minister for Education and Training.
 - (5) This is an operational issue. A response will be provided under separate cover by the Minister for Education and Training.
 - (6) In terms of the Development Application (DA), yes. However, this does not preclude the applicant from requesting an amendment or seeking approval for an alternative proposal at a later date.
 - (7) A response will be provided under separate cover by the Minister for Education and Training.
 - (8) Yes. Yes.
 - (9) N/A.
 - (10) This is an operational issue. A response will be provided under separate cover by the Minister for Education and Training.
-

**Bushfires—recommendations
(Question No 149)**

Mr Pratt asked the Chief Minister, upon notice, on 16 February 2005:

- (1) Will the Government adopt as its policy recommendations of the Council of Australian Governments (COAG) inquiry into Bushfire Management and Mitigation;
- (2) If so, (a) which recommendations will it adopt and (b) how will the implementation of these recommendations be carried out;
- (3) By what date will these recommendations be implemented;
- (4) Who will the Government appoint to coordinate the implementation of these recommendations;
- (5) By what means will the ACT Government liaise and interact with the Federal Government and other State and Territory governments to adopt the various cross jurisdictional recommendations contained in the COAG report.

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

- (1) The ACT Government has formally indicated its support for both the COAG Bushfire report and the agreed jurisdictional response, which were released by the Prime Minister on 24 January 2005. These documents can be found at <http://www.coagbushfireenquiry.gov.au>
 - (2)(a) See response to (1) above. The ACT Government's position forms part of the agreed jurisdictional response.
 - (2)(b) Given the inquiry's focus on issues of national significance, many of the recommendations of the report require joint action or cooperation between Commonwealth, State and Territory Governments. As noted in the agreed interjurisdictional response, eight of the 29 recommendations have already been acted upon and were implemented before the 2004 bushfire season. Fourteen recommendations require further work and consideration by the Augmented Australasian Police Minister's Council. The remaining seven recommendations relate broadly to ongoing research needs, indigenous traditional burning practices, community bushfire education, national consistency in bushfire data collection, the updating of the *Australian Emergency Manual - Disaster Recovery* and the further development in jurisdictions of a structured risk management process.
 - (3) While progress has been made on many of the recommendations, a number are of a strategic nature and outcomes will need to be pursued over the longer term. As noted above, eight recommendations have already been acted upon and were implemented before the 2004 bushfire season.
 - (4) ACT implementation of recommendations will be overseen by the Emergency Services Authority, the Chief Minister's Department and the Department of Urban Services.
 - (5) Liaison with Commonwealth and other State and Territory agencies will take place as appropriate.
-

**Health—mental health
(Question No 193)**

Mr Smyth asked the Chief Minister, upon notice, on 17 February 2005:

- (1) Would the ACT Government consider establishing a Ministry for Mental Health to better meet the needs of mental health services in the Territory;
- (2) If not, why not; if so, when will you progress this idea.

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

- (1) No.
 - (2) The Government does not believe creation of a separate administrative structure responsible for mental health is justified.
-

**Health—mental health
(Question No 194)**

Mr Smyth asked the Minister for Health, upon notice, on 17 February 2005:

- (1) Would the ACT Government consider establishing a Ministry for Mental Health to better meet the needs of mental health services in the Territory;
- (2) If not, why not; if so, when will you progress this idea.

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

- (1) No.
 - (2) The Government does not believe creation of a separate administrative structure responsible for mental health is justified.
-

**Children—sexual assault
(Question No 195)**

Mr Smyth asked the Minister for Health, upon notice, on 17 February 2005:

Is the Minister aware of the denied claims by the Western Australian Health Department that paedophiles were preying on children at Perth's Princess Margaret Hospital following reports four staff members were forced to resign amid allegations of sexual assault of young patients; if so, have any staff at The Canberra Hospital been dismissed amid similar allegations.

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

I am aware of media reports concerning the Princess Margaret Hospital.

I am advised no staff member has been forced to resign amid allegations of sexual assault of young patients at The Canberra Hospital.

**Emergency services—communications
(Question No 208)**

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 17 February 2005:

- (1) Were there any disruptions or incidents within the Emergency Services Authority Headquarters (ESAH) on the afternoon of Thursday, 13 January 2005; if so, (a) what are the details and (b) at what time did they occur;
- (2) Was there any disruption to (a) radio and (b) telephone communications between the Emergency Services Communications Centre (ESCC) and Emergency Services personnel, operational or otherwise that were on duty or 'stood up', on Thursday, 13 January 2005; if so, what, if any, units, appliances and personnel were uncontactable;
- (3) What protocols are to be observed amongst Emergency Services personnel in the event of disruption to, or failure of, the communications network;
- (4) Was there any disruption to the standard way in which 000 calls could be received by Emergency Services on Thursday, 13 January 2005;
- (5) Was the automated system detailing the location of ACT residents who called 000 affected; if so, what was the nature and extent of this;
- (6) If an ACT resident dialled 000 on Thursday, 13 January 2005, but due to the nature of their emergency was unable to speak, would the operator taking the call have been able to determine the location of the caller;
- (7) If there system was affected, was it possible to re-route 000 calls to the Police (Winchester) Communications Centre; if so, did this occur; if not, why was this the case;
- (8) If it was possible to re-route 000 calls to the Winchester Centre, would that centre have had a functioning automated system detailing the location of 000 callers to its operators;
- (9) Was there any disruption to electronic, computerised or automated dispatch or data systems at the ESCC; if so, what was the nature and extent of the disruption;
- (10) What effect, if any, did the disruption to any of these systems have on the overall operational effectiveness of the ESCC;
- (11) Could the ESCC be certain about the location of all the Rural Fire Service and Urban Fire Brigade units in the ACT, to the same degree of certainty that it would normally hold on any other given day of high bushfire readiness;
- (12) Was information about the location of all the Rural Fire Service and Urban Fire Brigade units in the ACT readily available to the ESCC radio dispatches or the duty coordinator at all times on Thursday, 13 January 2005; if not, why not;

- (13) Did the ESCC have information about which units were 'stood up' and readily available at all times on Thursday, 13 January 2005; if not, why not;
- (14) How many back-up generators were there at ESAH on Thursday, 13 January 2005;
- (15) Was there cause for, or a need for, a back-up generator to be activated or to 'kick in' at ESAH on Thursday, 13 January 2005; if so, did the back-up generator(s) activate or kick in; if not, why not;
- (16) Has there previously been a need for the back-up generator(s) to be activated or to kick in; if so, did the back-up generator(s) activate or kick in; if not, why not;
- (17) If the back-up generator(s) did activate or kick in, did the generator(s) cause any damage to any (a) communications system, (b) dispatch system and (c) data system; if so, what was the nature and extent of this damage;
- (18) If any damage has been caused by, or in relation to, the activation of back-up generators in the past, what has been the nature and extent of this damage;
- (19) Has the Emergency Services Authority conducted tests or trials on 'back-up' generators; if so, did the generators 'kick-in' when they were supposed to; if not, why not;
- (20) If the generators did not 'kick-in' when they were supposed to during a training exercise, what actions were taken to ensure that the generators would 'kick-in' where appropriate in the future;
- (21) How frequently have ESAH personnel engaged in training exercises simulating a power failure or communications failure;
- (22) Was the bulk of radio communication traffic between the Communications Centre operators and Emergency Services personnel conducted through hand-held radios at any time during Thursday, 13 January 2005;
- (23) If there was a disruption to the ESCC on Thursday, 13 January 2005, what were the four ACT fire-towers doing at the time of the disruption;
- (24) Did the fire towers have a direct line of communication with the ESCC all day on Thursday, 13 January 2005;
- (25) Were the fire towers monitoring any fires to the west of the ACT on Thursday, 13 January 2005;
- (26) Was the ability of the fire towers to convey information to the ESCC compromised or diminished at any stage on Thursday, 13 January 2005;
- (27) Did a communications operator in the ESCC advise Rural Fire Service units to go on patrol and 'look out' for fires as they had lost telephone communications and contact with the fire towers on Thursday 13 January 2005;
- (28) How much money has been spent upgrading the ESCC in the last three years;
- (29) What (a) initiatives, (b) equipment, (c) systems and (b) programs has this money been spent on;

- (30) How much money has been spent on (a) initiatives, (b) equipment, (c) systems and (d) programs;
- (31) Have plans been made to establish and occupy a new ESAH or substantially upgrade the current headquarters; if so, (a) what are they, (b) how long has this planning been underway, (c) how much progress has been made on these plans and (d) has any money been allocated in the ACT budget;
- (32) If money has been allocated, how much money has been (a) allocated and (b) spent thus far;
- (33) If any plans have been made to establish and occupy a new headquarters or to substantially upgrade the current headquarters, is there an expected date on which the Emergency Services Authority (ESA) can occupy its new premises or when a substantial upgrade will be completed;
- (34) Did a communications operator in the ESCC transmit a message to Rural Fire Service units on Thursday, 13 January 2005 stating that all systems had been restored; if so, at what time did this occur;
- (35) Was any section of the ESA contacted on Thursday, 13 January 2005 or Friday, 14 January 2005 by any members of the media and asked any questions in relation to a disruption at the Emergency Services Communications Centre; if so, what response did the Authority provide to the media.

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

- (1) The report on the 13 January 2005 power disruption provided to Ms Dunne provided by the Minister for Police and Emergency Services on 23 February 2005 provides the summary of events and actions taken. As highlighted in the report:
The power disruption in question occurred at the ESA Headquarters between 1638hrs and 1708hrs on Thursday 13th January 2005. The disruption to communications services at the ESA Communications Centre extended from approximately 1655hrs to 1715hrs. The cause of the disruption was an overloading of internal power demand on the building main power distribution panel, probably related to a surge from connected air conditioning units in the ESA area and possibly from the collocated kindergarten. The surge caused the circuit breaker to trip. There are no recorded similar outages.
- (2) Disruption to communications:
- a) Radio communications through the new TRN system were not disrupted. Radio communications through the existing VHF system were disrupted momentarily until hand held radios were activated. There was no disruption to the remainder of the VHF networks, importantly from the bushfire towers to the RFS brigade units.
- b) Telephone communications were not disrupted.
- (3) Contingency procedures include measures for partial and complete loss of communications services at Curtin. System redundancy planning includes requirements for the evacuation of premises if required. Procedures comprise actions by both operators and technical staff.
- (4) The standard functioning of 000 calls was not affected and the alternate manual call taking capability was not activated.

- (5) There were no 000 calls received during the period. The capacity for automatic caller identification was disrupted, however operator procedures were in place for manual identification.
- (6) Comcen procedures include use of the Telstra National Relay Service to identify the location of callers in the event of failure of the automatic system or inability to speak.
- (7) No rerouting of 000 calls were required. Procedures exist for rerouting of calls through to the ACT Policing Communications Centre at the Winchester Centre. This can be initiated by the ESA or by Telstra when calls are not answered within a predetermined time. A similar arrangement exists from the Police to the ESA.
- (8) Identical capabilities exist at both the ESA and Police Communications Centres.
- (9) The ESCC is not a recognised acronym. The ESA Communications Centre (Comcen) is the title of the facility. The 20 minute disruption to essential services resulted in the loss of several aspects of the communications systems included the computerised despatch system (CAD). Manual procedures for Comcen operations were then activated under the direction of staff. This is a normal contingency measure.
- (10) The impact on operations of the ESA Comcen was minor. There was no impact on support to the community.
- (11) Locations of all RFS units are always tracked manually. Locations of ACTFB units were tracked manually during the system disruption. These are normal contingency procedures. Comcen operators are able to confirm locations using voice radio communications.
- (12) The ESA Comcen maintained location information of all units.
- (13) The ESA Comcen maintained information on the operational status of all units.
- (14) Two generators are maintained at ESA Headquarters.
- (15) The 40KVA essential services generator operated on the 13 January 2005. In this instance the generator failed to provide the necessary power input to the system. The 350KVA was not required to activate.
- (16) The emergency power system has worked in the past.
- (17) No damage was sustained to Comcen equipment.
- (18) Minor damage to equipment has been sustained in the past. Technical measures have been taken to ensure that this does not occur in the future.
- (19) Functioning of the power systems have been maintained through technical support arrangements. The ESA has reviewed these arrangements and introduced a revised schedule of testing and training.
- (20) Performance standards are reviewed following all testing and operational situations. This is a standard operational analysis practice for operational organisations such as the ESA. In this instance the analysis has resulted in remedial technical work to reduce the probability of a similar failure from occurring together with confirmation of Comcen procedures.

- (21) The revised arrangements include monthly testing of full procedures in addition to routine maintenance performed by technical support contractors.
- (22) Radio communications through the new TRN system were not disrupted. Radio communications through the existing VHF system were disrupted momentarily until hand held radios were activated.
- (23) The four ACT fire towers were operating normally.
- (24) VHF radio communications to the towers from the Comcen was disrupted momentarily until hand held radios were activated.
- (25) A fire approximately 60kms away from the ACT in the Tumut area was being monitored, but remained under the control of the local authority.
- (26) VHF radio communications to the towers from the Comcen was disrupted momentarily until hand held radios were activated.
- (27) Normal RFS procedures, including the responsibilities of the fire towers, during a total fire ban day were maintained.
- (28) The overall communications capability of the ESA has been enhanced over the past three years through a number of projects. For 2002-03, 2003-04 and 2004-05 to end February total capital expenditure on relevant projects has been \$13.308m and recurrent expenditure \$1.969m.
- (29) The relevant enhancements are the Communications Upgrade project, Computer Aided Dispatch, Broadband data Links to Stations and Trunk Radio Network.

(30)

		TOTAL	TOTAL
		CAPITAL	RECURRENT
	(\$'000's)	(\$'000's)	(\$'000's)
Communications Upgrade Project		0	61
Computer Aided Dispatch Budget Initiatives		2,100	1,379
Broadband Data Links To Stations		439	200
Trunk Radio Network		10,769	329
Totals		13,308	1,969
Grand Total	15,277		

- (31) Options for future ESA Headquarters are being considered by government. Planning has been underway for over 12 months and \$0.9m was allocated in the 2004-05 budget for forward design for the new ESA headquarters. This project has subsumed the Joint Emergency Services Training Centre project, which had remaining authorisations of \$0.200m in 2004-05. Expenditure to the end of February on the combined project during 2004-05 has been \$0.146m. This includes a feasibility study by GHD Pty Ltd setting out options for the new headquarters. These options consider sitings and variation in scope.
- (32) The funding options for the future ESA Headquarters are being considered by government.

- (33) Options for future ESA Headquarters are being considered by government.
 - (34) At approximately 17:15 the Comcen followed procedures and informed all units that the full operations had been restored.
 - (35) ABC Canberra reporter Kathryn Roberts contacted the ESA Manger of Media and Community Information at approximately 5:15pm on Thursday 13 January 2005. She stated that the ABC had been told the ESA had just had a blackout and that it had lost the ability to receive triple 000 calls for half an hour or an hour. She was advised that 'there has been a blackout or power problem of some sort at the ESA this afternoon but this has not resulted in the loss of ability to receive triple 000 calls.' The reporter was satisfied with this answer.
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Land—leases (Question No 215)

Mrs Burke asked the Minister for Planning, upon notice, on 8 March 2005:

- (1) What re-negotiations have been made relating to the ACT Division of the Australian Railway Historical Society's lease on the site adjacent to the Kingston Foreshore located in Section 49, Block 3;
- (2) How much will the increase in rent for the site be;
- (3) What will be the increase in costs associated with utility bills such as electricity;
- (4) Under what provisions can the Society utilise the former Canberra Rail Freight Centre.

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

- (1) The site in question is actually known as part Block 2 Section 47 Fyshwick which was surrendered on 1 November 2000 by NSW State Rail, with several occupants including the Australian Railway Historical Society (ARHS) to the Territory. In association with the planning studies for the East Lake area, which includes this site, the ARHS has been advised of the possibility of redevelopment of the area occurring in the medium to longer term. However, in the interim, a three-year licence with the option of a further three-year term is currently being negotiated with the ARHS. Should the need arise for the ARHS to relocate, an alternative site, Block 3 Section 19 Hume, has been tentatively identified and agreed by the ARHS as a possible future location for the railway museum.
- (2) The ARHS is currently occupying part Block 2 Section 47 Fyshwick without any licence arrangements and consequently, since November 2000, has not been paying rent to the Territory, all previous rent having been paid to NSW State Rail. Due to the ongoing negotiations, which are being delayed by the ARHS failure to finalise its insurance requirements, the Territory has not received any rent. However, the rental value based on the use of the site and temporary licence term has been obtained and a rental of \$ 500.00 pa will apply. The land value of the site being \$1,050,000.
- (3) The ARHS has not been charged for utilities since their occupation of the site as the electricity costs were previously paid by the tenant of the former Freight Centre, Robbo's Pet Barn, until that business relocated. NSW State Rail paid all other rates, including

water and sewerage. Currently, the Territory is paying all of these costs. Once the Licence is issued it is envisaged that the electricity costs based on previous bills paid by the Territory will be around \$50.00 per quarter which reflects the current use.

- (4) The ARHS has been advised that the adjoining Canberra Rail Freight Centre, which is situated on another part of Block 2 Section 47 Fyshwick and consists of an area of 1.5ha including the building, is being transferred to Property ACT with a view to providing accommodation for a number of community groups including the ARHS. It is understood that ARHS has an interest only in part of the building for storage purposes which leaves the grounds and a number of individual office spaces on the top floor of the building available for other users. Any agreement by the Territory for use of the building will also be an interim arrangement whilst the East Lake studies are being undertaken.

Housing—long term market renters (Question No 216)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 8 March 2005:

- (1) What measures will be put in place to encourage high income, long term market renters to move into more appropriate forms of housing;
- (2) How will ACT Housing implement price signalling mechanisms to aid some market renters in public housing properties who do not take up incentives such as the Sales to Tenants Program to move into alternative housing options other than social housing.

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

- (1) This issue was canvassed in detail in the report on the Review of Housing ACT Market Renters, tabled in the Legislative Assembly on 26 August 2004. The Review found that market renters play an important role in the viability and sustainability of Housing ACT. These tenants provide a significant income source that helps pay for services the organisation provides, and are an important contributor to the broader role of public housing being more representative of the community and sustain long term tenancies.
- (2) Housing ACT has no plans to implement such mechanisms.

Children—autism (Question No 218)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 8 March 2005:

- (1) Further to the *Diagnostic and Statistical Manual of Mental Disorders* fourth edition which describes Pervasive Developmental Disorders as “severe and pervasive impairment in several areas of development” and also defines these conditions as “clinical disorders”, does the ACT Government accept that Pervasive Developmental Disorders, including autism and Asperger's disorder, are clinical disorders that require clinical attention;

- (2) What clinical services did the Government provide for children with autism in (a) 2000-01, (b) 2001-02, (c) 2002-03 and (d) 2003-04;
- (3) What type and how much clinical service did the Government provide to treat children with autism;
- (4) How many children received clinical services for their autism;
- (5) What evidence and measures does the Government have that the clinical services it provided to treat autism were appropriate and effective;
- (6) What community services did the Government provide for children with autism in (a) 2000-01, (b) 2001-02, (c) 2002-03 and (d) 2003-04;
- (7) How many children with autism received community services;
- (8) What evidence and measures does the Government have that the community services it provided were appropriate and effective;
- (9) Did the 2000-01 Budget allocate \$250 000 per year for 2000-01 to 2003-04 for “clinical and community services for children with complex behavioural and support issues, in particular, for children with autism spectrum disorder and cerebral palsy and did it go on to say it will also provide funding for therapy services for children in special schools”; if so, what additional clinical services were provided from this Budget Initiative for children with autism in the years 2000-01 to 2003-04;
- (10) What evidence and measures does the Government have that the clinical services it provided to treat autism through this initiative were appropriate and effective;
- (11) What additional community services were provided from this Budget initiative for children with autism in the years 2000-01 to 2003-04;
- (12) What evidence and measures does the Government have that the community services it provided to treat autism through this initiative were appropriate and effective in the years 2000-01 to 2003-04.

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

- (1) Yes.
- (2) During the years 2001-04 children with autism received:
 - Therapy intervention and family support on a needs basis;
 - Consultation to families, teaching, childcare, after schoolcare staff, FaBRIC and respite staff;
 - Inservice and training as required to all people involved with the child with autism;
 - Support groups such as “Fathers of children with Autism’ Sibling Groups, parent networking opportunities such as coffee mornings “Motherhood and Me;” and
 - Training and information modules for parents were held.

In 2001-02 a specialised behaviour management program commenced servicing children with a diagnosis of autism, cerebral palsy or a syndrome who were in a mainstream school. Referrals were taken from the school for students with severe behavioural issues. This program provided:

- Intervention;
- Training; and
- Case management.

In 2002-03 the responsibility for autism assessment was moved from CAMHS to CHADS.

Respite services were provided through Kesse and Teen House. The Government also funded NGOs such as FaBRIC and Community Options, Carers Association and Community Connections to assist families.

An Intake service for Therapy ACT was developed to:

- Provide information regarding provision of services; and
- Referral for clinical and support services.

- (3) Clients of the service are seen on a needs basis not on a diagnosis basis. No statistical data has been kept related to intervention to a specific client group. Statistical data is available in relevant Departments annual reports.
- (4) The data is not readily available. Some databases used during this time period did not record diagnosis.
- (5) The Government maintains output measures as to the number of hours of service provided, client satisfaction ratings, teacher satisfaction ratings, number of inservices given, evaluations of programs and training sessions. Individual families in conjunction with the therapy team, develop their own goals and each family evaluates the success.
- (6) The therapists provided support and training into various community organisations such as scouts, gym programs, Pegasus. Families accessed various support services such as respite, child and after school car, as part of their overall intervention.
- (7) Therapists provide input into a range of community settings as part of each client's overall intervention, according to the issues that are identified by the therapists, clients and their families. See answer 4.
- (8) Therapists provide information and training that reflects current professional standards and practice. The ACT Government has provided a range of professional development opportunities to Therapy ACT staff to ensure that their skills are developed and maintained in the area of autism. See answer 5.
- (9) Yes. Two staff positions were created for the special schools - one speech pathologist and a physiotherapy position. These positions were used to service children with complex needs, including autism, who attended the special schools. Services were also provided in a range of community settings, including at home, childcare, afterschool, respite and other environments the client accessed.

- (10) Therapists working with children and families who attend special schools in the ACT have provided hours of service, evaluated programs and revised input based on feedback from parents and staff. Staff have developed and maintained skills in the area of autism through a range of professional development opportunities, many of which were funded by the ACT Government.
- (11) This funding was provided for children with complex care needs and as a result, services were provided to a range of clients with differing diagnoses.

Therapy ACT provided input into the clients' everyday community programs, such as their educational setting, recreational programs, respite services and childcare. Support is provided in a wide range of models and to a broad range of people involved with the child with autism and their family.

- (12) See answer 5.

**ACTION—dial-a-bus service
(Question No 219)**

Mr Pratt asked the Minister for Planning, upon notice, on 8 March 2005:

- (1) Further to the introduction on 31 January 2005 of ACTION's dial-a-bus service in Weston Creek, what has been the average number of passengers per journey on these nightly bus services, both from Woden Interchange to the suburbs, and from the suburbs to Woden Interchange;
- (2) How many telephone calls have been received on average for booking each evening bus service and bus run out of Weston Creek suburbs into Woden interchange since the introduction of this service;
- (3) Have any complaints been received by ACTION or the ACT Government either from passengers or bus drivers since the introduction of the service; if so, how many complaints have there been and what has been their nature;
- (4) In how many instances have passengers not been picked up by an ACTION driver at or within a few minutes of the pre-arranged time due to re-routing of the bus service after subsequent phone calls by other passengers booking the same bus.

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

- (1) Average number of passengers per journey per night from Woden Interchange to Weston Creek: 9.3
Average number of passenger per journey per night inbound to Woden Interchange: 1.6
 - (2) Average number of calls for per night for bookings: 6.46 calls
 - (3) No complaints have been received by ACTION or the ACT Government
 - (4) There is no record of any such occurrence.
-

**Waste disposal—illegal dumping
(Question No 220)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 8 March 2005:

- (1) When is the Department of Urban Services going to remove a white washing machine dumped in the forest on Wednesday, 2 March 2005 at Denman Street, Yarralumla above the brickworks and visible from the road;
- (2) Will the Department be prosecuting the offender given that the dumping of this washing machine was seen by witnesses and the registration number of the vehicle driven by the offender noted and subsequently reported; if not, why not.

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

- (1) The washing machine in question was removed at 11:30am on Tuesday 8 March 2005.
- (2) The Department has no record of having received a report from a member of the community on the dumping of the machine. The Department will be pleased to receive and investigate any information concerning illegal dumping.

**Crime—burnouts
(Question No 222)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 8 March 2005:

- (1) How many reports were received by police regarding burnout activity and or drag racing in the (a) Gungahlin, (b) Tuggeranong, (c) Belconnen, (d) City and (e) Woden areas (i) in 2003-04 and (ii) to date in 2004-05;
- (2) On how many occasions, when these reports were made to police, was a police car/officer despatched to address the report/s;
- (3) What were the response times for those instances when police were sent to address the report and from which police station were police sent;
- (4) For those instances where a car/officer was not despatched to the scene at the time of, or within a short period of time of, the report, why was this the case;
- (5) In how many cases were offenders (a) warned, (b) apprehended, (c) charged and (d) cars confiscated;
- (6) In how many cases were offenders not able to be located;
- (7) In how many cases were (a) vehicle registration numbers reported to police and (b) the offenders identified, apprehended and/or charged as a result of the follow up of these reported registration numbers;
- (8) What is the Government doing to increase the police presence in these areas to deter and prevent this sort of activity and other criminal activity.

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

- (1) Information on drag racing is unavailable due to limitation on the recording methods of this offence, however figures for burnout offences are reported as follows:

Number of reported burnout offences by area – 1 July 2003 to 28 February 2005.

	2003-2004	2004-2005 to date
Belconnen	14	8
City	17	11
Tuggeranong	24	23
Woden	7	7
Other	3	1
Gungahlin	2	4
Total offences	67	54

Source: **PROMIS** as at 14 March 2005

- (2) A patrol was dispatched to 44 offences in 2003-04 and 43 offences in 2004-05 to date.
- (3) It is too resource intensive to obtain data to provide an answer to this question. ACT Policing allocates resources based on a four-tier response model.
- (4) It is too resource intensive to obtain data to provide an answer to this question. ACT Policing allocates resources based on a four-tier response model.
- (5) The following table provides data on the number of warnings or apprehensions as a result of burnout and street racing activity.

How proceeded against	2003-2004	2004-2005
Arrest	1	3
Summons	22	22
Caution	0	1
Charged before court	0	1
Traffic infringement (burnout offences)	138	93
Traffic infringement (street racing offences)	16	4
Traffic caution	14	11

Vehicles were seized in eight cases in 2003-2004, and in 17 cases in 2004-2005 to date.

- (6) It is too resource intensive to obtain data to provide an answer to this question.
- (7)(a) It is too resource intensive to obtain data to provide an answer to this question.
- (7)(b) It is too resource intensive to obtain data to provide an answer to this question.
- (8) ACT Policing proactively responds to burnouts and anti-social driving activities by using an intelligence approach which targets known 'blackspots'. ACT Policing Traffic Operations, undertake targeted operations, which focus on activities of this type and the potential areas for such activities. For example, ACT Policing liaised with ACT Road User Services about installation of a 'high traction' surface in Braddon to curb illegal

activity in that area. Sustained targeting and high visibility on Friday and Saturday nights in this area has resulted in a substantial decrease in anti-social driving.

ACT Policing Traffic Operations is in the process of forming a specialised team to combat the increasing rate of illegal burnout and street racing activities within the ACT. Given the age specific nature of these offences ACT Policing continues to employ education to deter such driving and has issued 13 media releases since 2003 through the ACT Policing Media Team.

ACT Policing has ensured a co-ordinated response across a geographic region. The ACT Policing Traffic Operations, South District, North District and the Specialist Response and Security Team work in conjunction with New South Wales Police through the Monaro District Command.

Motor vehicles—home garaged (Question No 225)

Mrs Dunne asked the Attorney-General, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) Three cars.
- (2) The officers are not on call. The vehicles were previously garaged at premises which have been broken into a number of times and vehicles vandalised.
- (3) (a) Three cars
 - (b) Hackett, Gilmore and Queanbeyan
 - (c) (i) Registration number: 210744 – 96kms to and from work
Registration number: 209156 – 136kms to and from work
Registration number: 210948 – 132kms to and from work
 - (ii) Registration number: 210744 – 231kms for work purposes
Registration number: 209156 – 30kms for work purposes
Registration number: 210948 – 123kms for work purposes

Motor vehicles—home garaged (Question No 226)

Mrs Dunne asked the Minister for the Environment, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

	Parks and Conservation Vehicles
(1)	40 vehicles are home garaged irregularly throughout the year, depending on the duties of staff and roster arrangements.
(2)	16
(3) a	24. Most of these vehicles are home garaged for security purposes. There are no secure storage facilities in remote locations such as Tidbinbilla Nature Reserve, Namadgi National Park, Cotter Reserve and Googong Foreshores.
(3) b	Depending on which officer home garages, the vehicles could be home garaged in the following suburbs: Kaleen, Aranda, Queanbeyan, Theodore, Banks, Gordon, Cook, Tharwa, Weston, McKellar, MacGregor, Cotter, Chisholm, Gungahlin, Giralang, Greenway, Hall, Higgins, Jerrabomberra, Kambah, Macarthur, Mawson, Pialligo, Rivett, Ainslie, Page, Weston, Gilmore, Deakin, Gowrie and Garran.
(3) c (i)	Due to the remoteness of Tidbinbilla Nature Reserve, Googong Foreshores, Riverview and Glendale Depots (located at Namadgi National Park), the majority of the Parks and Conservation vehicles have to travel long distances to and from work. In the cases of Tidbinbilla and Googong Foreshores, the reserve areas are quite small which reduces the number of kilometres driven for work purposes. However, this does not reduce the need for vehicles. Furthermore, in some cases car-pooling occurs on a regular basis.
	Km's to and from work 211 039 – 350 km 209 344 – 96 km 211 078 – 235 km 210 742 – 349 km 210 987 – 380 km 211 025 – 265 km 210 687 – 279 km 211 498 – 490 km 210 550 – 184 km 210 698 – 12 km 210 976 – 180 km 211 809 – 6 km 211 005 – 80 km 210 588 – 104 km 210 916 – 71 km 210 513 – 268 km 211 445 – 59 km

	211 383 – 60 km
	211 064 – 206 km 211 680 – 289 km 210 872 – 134 km 211 063 – 80 km 211 227 – 14 km 211 261 – 148 km
(3) c (ii)	Km's for Work Purposes 211 039 – 474 km 209 344 – 505 km 211 078 – 418 km 210 742 – 100 km 210 987 – 250 km 211 025 – 70 km 210 687 – 230 km 211 498 – 320 km 210 550 – 488 km 210 698 – 65 km 210 976 – 506 km 211 809 – 250 km 211 005 – 127 km 210 588 – 141 km 210 916 – 419 km 210 513 – 36 km 211 445 – 844 km 211 383 – 438 km 211 064 – 166 km 211 680 – 183 km 210 872 – 260 km 211 063 – 451 km 211 227 – 564 km 211 261 – 300 km

	Wildlife Research and Monitoring Vehicles
(1)	None, although permission is given to staff to home garage a vehicle when this is required for operational reasons (eg efficient use of time, early start and late finish).
(2)	None
(3) a	8
(3) b	When vehicles are home garaged for operational reasons the location depends on the officer involved. For the week beginning 7 March the suburbs were Isabella Plains, O'Connor and Queanbeyan. Otherwise the vehicles are garaged at the Lyneham Depot or Crace (CSIRO).
(3) c (i)	Km's to and from work 211 036 – 28 km 211 037 – 152 km 209 137 – 0 km 211 165 – 7 km 210 924 – 0 km

	210 749 – 0 km 211 060 – 5 km 211 286 – 188 km
(3) c (ii)	Km's for Work Purposes 211 036 – 248 km 211 037 – 152 km 209 137 – 315 km 211 165 – 309 km 210 924 – 105 km 210 749 – 0 km 211 060 – 198 km 211 286 – 318 km

	Environment Protection and Natural Resources and Legislation Vehicles
(1)	8
(2)	Seven Cars are home garaged by on-call officers, however there are only three officers on call at any one time.
(3) a	5
(3) b	Florey, Kambah, Chisholm, Flynn and Rivett.
(3) c (i)	Km's to and from work 210 598 – 155 km 211 442 – 18 km 211 688 – 220 km 211 453 – 115 km 211 306 – 117 km
(3) c (ii)	Km's for Work Purposes 210 598 – 453 km 211 442 – 370 km 211 688 – 545 km 211 453 – 325 km 211 306 – 278 km

	Resource Management Unit
(1)	1
(2)	None
(3) a	1
(3) b	Kambah
(3) c (i)	Km's to and from work 210 990 – 239 km 210 991 – Nil
(3) c (ii)	Km's for Work Purposes 210 990 – 238 km 210 991 – 472 km

**Motor vehicles—home garaged
(Question No 227)**

Mrs Dunne asked the Treasurer, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;

- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call:
 - (a) how many cars are there,
 - (b) in which suburbs are they garaged and
 - (c) in the week commencing 7 March 2005, for each car how many kilometres were driven
 - (i) to and from work and
 - (ii) for work purposes.

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

- (1) 6;
- (2) 2;
- (3) (a) 4;
 - (b) Fadden; Griffith; Gowrie; Sutton; and
 - (c) (i) 250; 187; 228; 118; and
 - (ii) 143; 229; 7; 333.

**Motor vehicles—home garaged
(Question No 228)**

Mrs Dunne asked the Minister for Economic Development and Business, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call,
 - (a) how many cars are there,
 - (b) in which suburbs are they garaged and
 - (c) in the week commencing 7 March 2005, for each car how many kilometres were driven
 - (i) to and from work and
 - (ii) for work purposes.

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

- (1) 7;
- (2) 4;
- (3) (a) 3;
 - (b) Fraser, Amaroo and Chisholm,

- (c) (i) Fraser (24km), Amaroo (292km), and Chisholm (278km),
(ii) Fraser (295km), Amaroo (265km) and Chisholm (292km).

**Motor vehicles—home garaged
(Question No 230)**

Mrs Dunne asked the Minister for Planning, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) The ACT Planning and Land Authority has 19 vehicles which are home garaged every day.
- (2) Of the 19 home garaged vehicles, 11 are home garaged by officers on call, predominantly plumbing, electrical and building inspectors.
- (3) The Authority has 8 vehicles which were home garaged by officers not on call. The primary reason for home garaging is due to the lack of secure overnight parking at Dame Pattie Menzies Building.

Suburb in which vehicle garaged	Kilometres travelled to/from home in week commencing 7 March 2005	Kilometres travelled for work purposes in week commencing 7 March 2005
Yarralumla	160	19
Melba	110	377
Kaleen	60	332
Melba	130	195
Fadden	210	235
Tharwa	400	214
Kambah	210	248
Bruce	70	351

**Motor vehicles—home garaged
(Question No 231)**

Mrs Dunne asked the Minister for Education and Training, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;

- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) 42
 (2) 3
 (3)
 (a) 39
 (b) Amaroo 1, Bonython 5, Bruce 1, Campbell 1, Chisholm 1, Conder 1, Cook 2, Duffy 1, Evatt 1, Fadden 1, Fisher 1, Florey 1, Flynn 2, Gordon 1, Gowrie 2, Gilmore 1, Hackett 1, Hawker 1, Isabella Plains 1, Jerrabomberra 1, Kaleen 1, Kambah 4, Latham 1, Lyneham 1, Lyons 1, McGregor 1, Melba 1, Ngunnawal 1, Nichols 2, Queanbeyan 2, Scullin 1, Wanniasa 1, Waramanga 1, Weetangera 2.

The data shows that a number of vehicles were home garaged by more than one officer in the specified timeframe. This occurs when home garaging arrangements change and other staff are required to home garage the vehicle.

- (c) (i)
 240, 200, 21, 24, 211, 233, 170, 109, 171, 34, 25, 162, 172, 265, 318, 110, 291, 112, 68, 336, 175, 96, 119, 85, 220, 65, 206, 130, 45, 106, 74, 115, 108, 53, 117, 55, 70, 90, 75.
 (ii)
 109, 274, 267, 358, 318, 300, 176, 117, 102, 296, 222, 676, 202, 310, 234, 296, 536, 396, 183, 51, 437, 281, 169, 254, 209, 430, 168, 49, 61, 288, 285, 57, 54, 504, 141, 201, 215, 149, 306.

Motor vehicles—home garaged (Question No 232)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
 (2) How many are garaged by officers on call;
 (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) 12
 All 12 vehicles are home garaged as there is no secure parking available on site.
 (2) One

- (3) (a) 11
- (b) Kaleen
Palmerston
Spence
Bonython
Holt
Scullin
Wanniassa
Kaleen
Macquarie
Belconnen
Nicholls/Curtin
- (c) (i) Reg 211 212 17km
Reg 211 573 331km
Reg 211 430 150km
Reg 211 026 175km
Reg 211 451 267km
Reg 211 682 85km
Reg 210 900 122km
Reg 210876 127km
Reg 210 875 68km
Reg 211 190 170km
Reg 211 572 128km
- (d) (ii) Reg 211 212 236km
Reg 211 573 146km
Reg 211 430 315km
Reg 211 026 856km
Reg 211 451 93km
Reg 211 682 98km
Reg 210 900 114km
Reg 210876 141km
Reg 210 875 131km
Reg 211 190 170km
Reg 211 572 167km
-

**Motor vehicles—home garaged
(Question No 234)**

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 8 March 2005:

- (1) How many cars in your department with ACT Government numberplates are home-garaged every day;
- (2) How many are garaged by officers on call;
- (3) Of those which are not garaged by officers on call, (a) how many cars are there, (b) in which suburbs are they garaged and (c) in the week commencing 7 March 2005, for each car how many kilometres were driven (i) to and from work and (ii) for work purposes.

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

- (1) 27 vehicles.
 - (2) 25 vehicles.
 - (3) (a) Two vehicles.
(b) Kambah and Weetangera.
(c)(i) The number of kilometres driven to and from work was 60 kilometres for vehicle one and 200 kilometres for vehicle two.
(ii) The number of kilometres driven for work purposes was 297 kilometres for vehicle one and 483 kilometres for vehicle two.
-

**Bushfires—hazard reduction
(Question No 235)**

Mrs Dunne asked the Minister for the Environment, upon notice, on 8 March 2005:

- (1) How many bushfire fuel hazard reduction burn offs were planned between 2002-2004, the life of the previous bushfire fuel management plan;
- (2) How many bushfire fuel hazard reduction burns were conducted between 2002-2004;
- (3) How many planned bushfire fuel hazard reduction burns did not proceed or were postponed
 - (a) due to the conditions on or just before the time the burn was meant to proceed and
 - (b) because the perceived smoke pollution or smoke drift did not comply with any relevant regulations or guidelines.

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

- (1) 29
- (2) 8

- (3) (a) 6
(b) 1

Please see further information at Attachment A.

ATTACHMENT A

Question 1

- Total Number of burns planned between 2002 and 2004 was 29.
- This includes burns derived both from the 2002-04 Bushfire Fuel Management Plan and the Addendum to the fuel management plan produced after the 2003 fires.

Question 2

- Total number of burns undertaken between 2002 and 2004 was 8.
- The 8 burns completed were made up of 11 separate blocks.

In addition to the 8 burns completed:

- 15 of the planned burn areas were burnt by the 2003 fires and hence did not require hazard reduction burning.
- 1 of the planned burn areas was cleared as part of the GDE and hence did not require hazard reduction burning.
- 1 of the planned burn areas was not undertaken because it was not considered necessary due to low fuel levels.

Question 3

(a)

- There were 6 burns that either did not proceed or were postponed due to inappropriate weather conditions (too hot, dry, windy) between 2002 and 2004. These include:
 - 4 burns that were not completed at all during 2002-2004 and have subsequently been carried over to 2004/05 (one of these burns, on Black Mt, was postponed twice in 2004), and;
 - 2 burns (on Black Mt and Gossan Hill) that were postponed but were subsequently completed before the end of 2004.

(b)

- 1 burn was postponed due to perceived unacceptable smoke impacts. This burn was on Gossan Hill on 15th October 2003 and was shut down after ignition at the request of the then Chief Fire Control Officer of the ACT Bushfire and Emergency Service. However, this burn was subsequently completed before the end of 2004.

Bushfires—hazard reduction (Question No 236)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 8 March 2005:

- (1) How many bushfire fuel hazard reduction burn offs were planned between 2002-2004, the life of the previous bushfire fuel management plan;
- (2) How many bushfire fuel hazard reduction burns were conducted between 2002-2004;
- (3) How many planned bushfire fuel hazard reduction burns did not proceed or were postponed (a) due to the conditions on or just before the time the burn was meant to

proceed and (b) because the perceived smoke pollution or smoke drift did not comply with any relevant regulations or guidelines.

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

- (1) Ten burns were planned in the 2002-2004 bushfire fuel management plan and five additional burns in the Addendum 2003, including debris removal and windrow burning in Stromlo, Uriarra and Pierces Creek.
- (2) 15 burns were conducted.
- (3) a) Several burns were deferred due to changed weather conditions, they were:
 - Isaacs Ridge was deferred on 22 May 2003, later completed on 19 June 2003.
 - Kowen Escarpment was deferred on 30 April 2004, later completed 11 June 2004
 - Debris removal & windrow burning in Stromlo, Uriarra and Pierces Creek was postponed on two specific occasions after media notification, 25 March 2003 and 8 January 2004 due changed weather conditions.
- b) When conducting prescribed burns a land manager will take into account the longer term weather patterns, four day weather forecast, fuel moisture and wind direction, they will only notify the community of the burn if the conditions are deemed suitable. As a result the prescribed burns can consistently be deferred during the planning phase.

Bushfires—hazard reduction (Question No 237)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 8 March 2005:

- (1) How many bushfire fuel hazard reduction burn offs were planned between 2002-2004, the life of the previous bushfire fuel management plan;
- (2) How many bushfire fuel hazard reduction burns were conducted between 2002-2004;
- (3) How many planned bushfire fuel hazard reduction burns did not proceed or were postponed (a) due to the conditions on or just before the time the burn was meant to proceed and (b) because the perceived smoke pollution or smoke drift did not comply with any relevant regulations or guidelines.

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

- (1) I have been informed that during the period of the Bushfire Fuel Management Plan 2002 – 2004 the ACT land management Agencies prepared 41 prescribed burn plans. This included the addendum and subsequent actions required in response to the January 2003 bushfire.
- (2) In the period 2002-04 a total of 18 prescribed burns were completed with a further 22 planned prescribed burn areas being burnt during the 2003 bushfire.

- (3) On the 15 October 2003 a prescribed burn at Gossan Hill planned by Environment ACT was postponed at the request of the Emergency Services Bureau, due to the potential for unacceptable smoke impact. This prescribed burn was subsequently completed in 2004.

A prescribed burn at Isaacs Ridge was deferred on 22 May 2003 due to changing weather conditions, the burns were later completed on 19 June 2003.

A prescribed burn at Kowen Escarpment was deferred on 30 April 2004 due to changing weather conditions the burns were later completed 11 June 2004.

Debris removal & windrow burning in Stromlo, Uriarra and Pierces Creek was postponed on two specific occasions after media notification, 25 March 2003 and 8 January 2004 due changed weather conditions.

Children—abuse reports (Question No 240)

Mrs Dunne asked the Minister for Children, Youth and Family Support, upon notice, on 8 March 2005:

- (1) How many reports of child abuse or ill treatment of children were made or referred to the Office of Youth, Children and Family Support in the financial year 2003-2004;
- (2) Of those reports considered by the Office, on how many occasions did the Office:
 - (a) find a child or young person was in need of care and protection within the meaning provided in section 156 of the *Children and Young People Act 1999* and
 - (b) find or suspect that a report was made other than in good faith.

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

- (1) In the 2003-2004 financial year the Office received 5322 Child Protection Reports. Reporting provisions in the *Children and Young People Act 1999* at sections 158 and 159 require that Child Protection Reports are 'caller-defined'. This makes the ACT definition of a Child Protection Report broader than just 'reports of child abuse or ill treatment'. A large number of Child Protection Reports relate to adolescent runaways, risk-taking behaviour by adolescents and other matters not limited to child abuse or ill treatment.
- (2) (a) Of the 5322 reports received in 2003-2004, 630 reports were substantiated following investigation. This measure, 'Substantiation' includes those reports where the child was found to be in need of care and protection (as defined by section 156 of the *Children and Young People Act 1999*).
- (b) In order to ensure that all reports of suspected abuse and neglect are responded to in an appropriate fashion, the Office must always assume that Reports are made in good faith. The Australian Federal Police have the capacity (under section 160 of the *Children and Young People Act 1999*) to pursue people suspected of making vexatious claims.

**Roads—cycle lanes
(Question No 241)**

Mr Seselja asked the Minister for Planning, upon notice, on 8 March 2005, (redirected to the Minister for Urban Services):

- (1) What are the (a) total and (b) projected costs of cycle lanes;
- (2) Has there been an analysis of the usage of cycle lanes; if so, what are the costs benefits of this analysis;
- (3) If there has been an analysis, who conducted it and what were the outcomes.

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

- (1) (a) The cost of cycle lanes varies, depending on whether they are delivered as part of the maintenance program or whether as a project specifically funded through the Capital Works Program.

As part of the maintenance program; cycle lanes are provided by a reallocation of available road pavement; the only cost being the cost of the associated line markings.

Where it is necessary to widen the pavement to provide on road cycle lanes these are delivered through the Capital Works Program.

In recent years over \$5.5million has been expended on cycle lanes, which have delivered through the Capital Works Program.

- (b) A master plan covering future cycle and pedestrian infrastructure requirements was developed during 2004. This master plan, which currently is being reviewed by Roads ACT projected funding requirements over the next ten years in the order of \$20.0million.
- (2) Data has not been collected on the use of cycle lanes, however it is proposed that this be collected over the next year at a number of locations throughout the ACT.
- (3) No analysis has been conducted to date in the ACT.

**Development—Curtin
(Question No 242)**

Mr Seselja asked the Minister for Planning, upon notice, on 8 March 2005:

- (1) Is there any plan by the Government or any of its agencies to develop currently unleased open space at (a) Block 9 Section 14 Curtin or (b) any other urban open spaces;
- (2) Did the Minister previously rule out any infill in urban open spaces; if so, will he again rule out any such development.

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

- (1) (a) - there are no plans by the Government or its agencies to develop open space at Block 9 Section 14 Curtin.

(b) - following consultation with the community and consideration by the Planning & Environment Committee, two Territory Plan variations which vary urban open space in order to permit the development of aged persons accommodation have recently been tabled in the Assembly as disallowable instruments.

Variation No 243 (Aged Care Facility Monash) commenced on 14 March 2005 following tabling on 15 February. It provides 5.9 hectares of land in Monash for expansion of aged persons accommodation at Goodwin Village.

Variation No. 248 (Extension of St Andrews Village Part Block 12 Section 28 Hughes) was tabled on 10 March 2005. It provides 1.6 hectares of land in Hughes for expansion of aged care accommodation at St Andrews Village.

- (2) The Government has a position that it will broadly not support development on areas designated as urban open space. It has also made a commitment to integrate a range of areas perceived as urban open spaces (but currently have other land use policies) that are valued by the community, into the formal urban open space network.

To give effect to this commitment, the ACT Planning and Land Authority has conducted an extensive review of unleased land in established urban areas and made recommendations for enhanced protection of 186 sites that have open space value. In summary, about 33 hectares of land that was previously available for development has been recommended for inclusion in the formal urban open space network and 125 hectares of land associated with the grounds and ovals of government schools have been recommended for increased protection by a specific Territory Plan overlay. A further 167 hectares of land that is functionally open space but does not have the maximum available statutory protection has been recommended for inclusion in the formal urban open space network.

The intent of the Government's policy on urban open space is to ensure that Canberra's open space network is not regarded as a land bank for future development. Notwithstanding this, I recognise that from time to time proposals will be made for individual development projects that affect urban open space but also provide substantial benefits to the community. Such proposals will be considered on their merits and subject to the full process of public consultation and Assembly consideration afforded by the statutory processes for varying the Territory Plan.

Business—China delegation (Question No 244)

Mr Smyth asked the Chief Minister, upon notice, on 8 March 2005:

- (1) Further to the Business Delegations to China and the UK in March 2004 which were led by the Chief Minister, did Mrs Stanhope accompany the Chief Minister for the full itinerary of both delegations; if not, for which parts of the itinerary did she accompany him;

- (2) Why is Mrs Stanhope not listed in the *ACT Government Ministerial Delegation to China and the United Kingdom 2004 - Tabling Package* which was tabled on 26 August 2004 that details the activities of the delegations;
- (3) What functions/events did Mrs Stanhope attend;
- (4) What class of travel did Mrs Stanhope fly in;
- (5) Did the Chief Minister, or any of the people accompanying him, receive any complimentary upgrades on any of the flights;
- (6) Why did the then 'Functions Coordinator, Chief Minister's Support, Cabinet Office', described in the travel report as 'Executive Assistant', join the delegation to the UK;
- (7) What (a) role did the Functions Coordinator/Executive Assistant perform in the delegation and (b) events did the Functions Coordinator/Executive Assistant attend and in what capacity;
- (8) What was the rationale for sending a junior officer from the Cabinet Office on such a small and highly specialised (business and sustainability) delegation;
- (9) Why did the Functions Coordinator/Executive Assistant arrive in Hong Kong on 16 March 2004 when the Delegation did not depart Hong Kong, in transit from mainland China, until 18 March 2004;
- (10) Since the Functions Coordinator/Executive Assistant was part of the delegation to the UK only, why did she rendezvous with the delegation in Hong Kong rather than fly direct to London and meet the delegation there;
- (11) Why did the Functions Coordinator/Executive Assistant, an Administrative Service Office Level 5, travel business class instead of economy class as required by *Public Sector Management Standard No. 6, Part 2, Travel – Domestic and International, and the CMD Guidelines for Corporate Travel and Related Services*;
- (12) Why is the Functions Coordinator/Executive Assistant listed as 'Executive Assistant' in Part B of the *ACT Government Ministerial Delegation to China and the United Kingdom 2004 - Tabling Package* when her Travel Form is a Chief Minister's Department template and supporting travel documents refer to her as 'Functions Coordinator, Cabinet Office';
- (13) If the Functions Coordinator/Executive Assistant was seconded to the role of Executive Assistant in the Chief Minister's Office for the duration of the trip, why were her expenses, accommodation and tickets paid for by the Chief Minister's Department;
- (14) Given that the Chief Minister signed a number of business and investment related agreements during the UK leg, why was there no member of BusinessACT in the delegation to the UK.

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

- (1) Mrs Stanhope's travel is a private matter. She did however, accompany the Chief Minister throughout the full itinerary of both delegations to China and the United Kingdom, i.e. China from 13 March 2004 – 18 March 2004; England from 19 March 2004 – 23 March 2004; and Cardiff from 23 March 2004 – 26 March 2004.

She accompanied the Chief Minister to China and the United Kingdom consistent with Remuneration Tribunal Determination No.118, permitting spouse/partner-accompanied travel to the sum of \$2,000 per year. All costs over and above the \$2,000 limit incurred by Mrs Stanhope while travelling with the Chief Minister in China and the United Kingdom were met by her.

Mrs Stanhope was not an official member of the delegation and while she travelled in a private capacity, she did attend various events as a guest of the Mayors of Beijing and Hangzhou among others, whilst in China. Mrs Stanhope also accepted official hospitality from the First Minister of Wales whilst in Cardiff and the British Government in London.

Mrs Stanhope together with the Chief Minister, were accorded the honour of being official guests of the British Government during their stay in England.

- (2) See (1) above.
- (3) See (1) above.
- (4) See (1) above.
- (5) There were no upgrades for myself or any government officials in the delegation.
- (6) To assist in the coordination and management of travel, transport, accommodation, communications, appointments and timetables for the Chief Minister and his delegation.
- (7) (a) refer (6) above
(b) The Functions Coordinator attended meetings and functions as required by me as an officer supporting the official delegation.
- (8) See (6) above.
- (9) Refer to answer QON Number 299. The Functions Coordinator took one days leave in Hong Kong (Wednesday 17 March 2004) the day preceding the arrival of the delegation from China. She met all her personal expenses, including accommodation on the nights of 16 and 17 March 2004, while in Hong Kong.
- (10) The Functions Coordinator joined the UK delegation in Hong Kong on 18 March 2004, the day of its arrival in Hong Kong from China. The delegation departed Hong Kong on that same day i.e. 18 March 2004. As noted in (9) above, the Functions Coordinator had one days leave in Hong Kong, at her own expense, while she awaited the arrival of the delegation from China.
- (11) It is common practice for officials travelling on delegations with the Chief Minister to travel in the same class of travel as the Chief Minister.
- (12) It was an oversight by the department. When the ACT Government Ministerial Delegation to China and the UK 2004 was tabled in August 2004, the officer's role was Executive Assistant to the Chief Minister.
- (13) The Functions Coordinator was not seconded.
- (14) Refer to the travel report tabled by the Chief Minister in the Assembly in August 2004. Mr Mike Harris, the Chief Executive of the Chief Minister's Department was, at the time of the delegation administratively responsible for BuisnessACT.

**Drugs—diversion program
(Question No 245)**

Mr Smyth asked the Minister for Health, upon notice, on 8 March 2005:

- (1) Further to the reply to Question on notice No 11, have the funds requested for the drug diversion program for the period 10 October 2004 to 9 October 2005 been approved by the Australian Government Department of Health and Ageing;
- (2) If so, when was the funding approved and how much was approved; if not, when do you expect a response from the Commonwealth.

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

- (1) No.
 - (2) The 2002-2003 agreement has been extended until 30 June 2005. I expect a new Agreement to be finalised by 30 June 2005.
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**Hospitals—inpatient facilities
(Question No 246)**

Mr Smyth asked the Minister for Health, upon notice, on 8 March 2005:

- (1) Further to the reply to Question on notice No 41, have the sketch plans been finalised for the sub and non-acute inpatient facility;
- (2) If so, when will they be released publicly; if not, why not and when will they be finalised given in response to Question on notice No 41 it was stated that they would be finalised in the new year.

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

- (1) The sketch plans have not yet been finalised.
 - (2) The sketch plans have not yet been finalised as additional time has been allocated to this part of the process in order to ensure that the design of the new facility will meet user requirements. It is anticipated that the plans will be finalized in the near future and they will be publicly available at that time.
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**Roads—speeding fines
(Question No 247)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 9 March 2005:

- (1) Further to the recent announcement of the reduction of fines for speeding and other traffic offences in NSW, why will the ACT Government not be considering reducing fines for speeding and other traffic offences and offsetting of these fines with an increase in demerit point penalties in line with the announcement to do so in NSW;

- (2) What would be the potential loss of revenue to the ACT Government per annum if it was to follow the NSW example.

Mr Hargreaves: The answers to the member's questions are as follows:

- (1) I am advised that the NSW State Government is planning to introduce changes for speeding offences up to 15 km/h above the speed limit with the penalty amount being reduced from \$130 to \$75. Under these proposed NSW changes, offences in this range will incur three demerit points rather than the current two. I understand that these changes were made on 4 April 2005.

While the ACT, in setting traffic penalties, has regard to any benefits of alignment with those in NSW, other factors are also relevant, including national implications and local ACT factors.

Currently the ACT applies demerit points for speeding offences, which are aligned to the National Demerit Point Schedule. The national schedule designates 1 demerit point for speeding offences up to 15 km/h, rather than the 2 (or proposed 3) in NSW for this offence.

Although there are no plans to reduce ACT speeding fines at this stage, the ACT will be interested in any information on the impact on driving behaviour of the proposed NSW change.

- (2) As this is a hypothetical position I am not prepared to divert resources to provide a response.

Roads—speed limits (Question No 248)

Mr Pratt asked the Minister for Urban Services, upon notice, on 9 March 2005:

- (1) In relation to the reduction by the end of April of the speed limit outside Gungahlin Children's Centre from 60 km/h to 50km/h, why cannot this speed limit be introduced immediately;
- (2) Why should the speed outside childcare centres not be reduced to 40 km/h in keeping with the speed limit outside ACT schools.

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

- (1) The speed limit outside Gungahlin Children's Centre will be reduced from 60km/h to 50km/h immediately after the production of the traffic plans necessary to locate the signs in the correct location. These plans are expected to be completed by the end of March 2005.
 - (2) In August 2004 the report "Review of School Crossings and Traffic Issues at Schools, Childcare and Older Person's Facilities" was tabled in the Legislative Assembly outlining the rationale for speed limits outside child care centres.
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**Crime—drink spiking
(Question No 250)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 9 March 2005:

- (1) How many cases of drink spiking were reported to police each month from February 2004 to February 2005;
- (2) How many of these cases were followed up by police;
- (3) Were any offenders identified; if so, in how many cases;
- (4) Were any arrests or charges laid; if so, in how many cases;
- (5) What ongoing work is being undertaken to reduce the incidence of drink spiking, particularly with the start of the new university year.

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

(1)

Month	Number of drink spiking incidents reported
February 2004	4
March 2004	10
April 2004	5
May 2004	6
June 2004	4
July 2004	4
August 2004	6
September 2004	10
October 2004	7
November 2004	5
December 2004	11
January 2005	4
February 2005	4

- (2) All complaints where victims are identified and wish to speak with police are followed up.
- (3) No.
- (4) No.
- (5) ACT Policing has a Drink Spiking DVD and lesson plans for delivery at high schools and colleges. ACT Policing also has a "Party Smart" pack which has information on drink spiking. These packs are distributed at all road shows and other display venues. They have been distributed at the Orientation Weeks at the universities. These packs have also been given to organisations with youth interest.

ACT Policing recently launched a new DVD entitled “Stay Safe”, which contains a section about being safe at parties or when going out. This DVD is to be circulated to schools for teachers to deliver to the students. The DVD is at the testing phase and focus schools will be providing feedback shortly.

On 23 March 2005, ACT Policing provided input to *The Canberra Times* for a feature article on drink spiking.

ACT Policing also conducts covert initiatives in nightclubs as required or where intelligence indicates drink spiking may be occurring.

Policing—Tuggeranong (Question No 251)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 9 March 2005:

- (1) Are police officers and/or civilians rostered onto administrative/station based duty at the Tuggeranong police station 24 hours a day in order to respond to telephone calls and other inquiries and incident reports;
- (2) If not, for what hours each day is this station attended and how many staff are rostered on station duty each shift;
- (3) Why have there been claims that on many occasions telephone calls to Tuggeranong police station have not been answered, or if having been answered, there is only one staff member rostered on duty who is unable to assist the caller;
- (4) When will the ACT Government ensure there are enough police resources to have Tuggeranong police station operating efficiently at all times.

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

- (1) Tuggeranong police station is staffed 24 hours a day, seven days a week by two front office police officers, as a minimum staffing requirement of the shift. During normal business hours the front office is further supplemented by a civilian member.
- (2) Please refer to answer in Question (1)
- (3) Every effort is made to promptly answer telephone enquiries at police station front counters, however at times, given the volume of telephone calls and enquiries made in person to police stations, this is not always possible.

ACT Policing has been trialing options to improve public contact with police stations. These include diversion of telephone calls from police stations to central assistance centres and the development of online contact points such as those used by Crime Stoppers and ACT Traffic Intelligence posted on the Australian Federal Police (AFP) website at <http://www.afp.gov.au/afp/page/>.

Members of the public have been made aware through a range of mediums that, should they require urgent police attendance/assistance they should contact the AFP by the police attendance line 131444, or if urgent assistance is required via ‘000’.

- (4) Resource levels at ACT Police stations are subject of ongoing review. The Tuggeranong station is operating efficiently within current resource levels.
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**Health—breast screening
(Question No 252)**

Mrs Burke asked the Minister for Health, upon notice, on 9 March 2005:

- (1) Further to the ACT Health December 2004-05 quarterly performance report, Output 1.3, Community Health Services, why have breast screening services continued to fall below pro-rata;
- (2) How many (a) new radiologists will be recruited into the ACT in 2005 to conduct screenings and (b) contract renegotiations have occurred with ACT radiologists;
- (3) How much will it cost to send screenings to Sydney radiologists and what impact will this have on turnaround time of the assessments.

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

- (1) As the ACT Health Quarterly Report states, targets were not met in the first part of the financial year due to a shortage of radiologists and that has been addressed through an active recruiting campaign. There is a world wide shortage of radiologists.

Contract renegotiations with radiologists are now complete, and the Department has successfully negotiated with a group of radiologists in Sydney to read between 250 and 300 cases per week. As a result, more screening will take place in the second half of the financial year.

It is of interest to note that the most recent Australian Institute of Health and Welfare Report released in February 2005 shows that the ACT participation rate for women in the 50-69 year old target group was above the national average in 2001-2 at 59.2%.

- (2) ACT Health has now successfully negotiated new contracts with six ACT Radiologists and a group of three Sydney based radiologists. Six other ACT radiologists were approached in 2004 to do screen reading and declined.
 - (3) The extra costs associated with sending films to Sydney radiologists to be read are approximately \$2.70 per client. The impact on the wait time for assessment by sending films to Sydney is approximately three calendar days. If films were not sent to Sydney, BreastScreen ACT would be unable to meet its targets and the wait time to assessment would increase dramatically.
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**Education—indigenous scholarships
(Question No 254)**

Mrs Dunne asked the Minister for Education and Training, upon notice, on 9 March 2005:

- (1) Further to the reply to question on notice No 29, why has the number of scholarships offered to indigenous students in Year 12 dropped from six in 2000-01 to two in 2002, 2003 and 2004;
- (2) Will the Government consider increasing the number of scholarships on offer back to the six originally offered in the program when introduced by the former Liberal Government in 2000; if so, will this be considered in the context of the 2005-06 budget; if not, why not.

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

- (1) The nature of the scholarships for indigenous students funded by the Department of Education and Training has changed significantly since 2000.

The original *Charlie Perkins Scholarship* funded by the department offered six scholarships of \$500 to Indigenous students completing Year 12 over two years (\$1500 per year). Owing to difficulties in attracting applicants the *Charles Perkins Scholarships* was established in 2002 in conjunction with the University of Canberra. These new scholarships are jointly funded by the department and the university. They provide two scholarships at \$2000 per person per year (total value of \$4000 per year) for Indigenous undergraduate students.

- (2) An agreement has been made with the Ngunnawal Centre and University of Canberra to continue the Charles Perkins Scholarship for another three years (2005-2007).

Education—indigenous students (Question No 255)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 9 March 2005:

Further to the reply to question on notice No 57, what further analysis as mention in paragraph 2(b) will be undertaken to assist schools in providing supportive learning environments for indigenous students.

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

There was no intent to undertake further analysis of the suspension data. What was proposed was future research about supportive learning environments. The department is exploring the possibility of establishing a partnership with a university to examine this issue and that of Indigenous student engagement in schooling.

Australian Technical College (Question No 256)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 9 March 2005:

- (1) What negotiations, if any, has the Government had with the several stakeholders involved in discussions about the proposed Australian Technical College at Queanbeyan;

- (2) What commitments, if any, has the Government made to those stakeholders.

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

- (1) I have met with one prospective applicant and Departmental representatives have attended three information sessions.
- (2) No commitments have been made. As the Australian Technical College in question is to be located in Queanbeyan, it comes under the jurisdiction of New South Wales.

Education—school-based apprenticeships (Question No 257)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 9 March 2005:

- (1) How many students registered for school-based New Apprenticeships in ACT schools and colleges have been resident in NSW since the scheme was introduced in 1998;
- (2) What is the geographical breakdown of the residence of these students.

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

(1) 85

(2)

Banksia Beach	1
Bredbo	1
Bungendore	9
Burra	2
Burra Creek	3
Bywong	1
Carwoola	1
Currawong	1
Gundaroo	3
Jerrabomberra	11
Murrumbateman	9
Queanbeyan	22
Royalla	1
Sutton	4
Wamboin	7
Williamsdale	2
Yass	7

Children—foster carers (Question No 258)

Mrs Dunne asked the Minister for Children, Youth and Family Support, upon notice, on 9 March 2005:

- (1) How many, if any, sex-abuse allegations have been made against foster carers in the ACT since 2001;
- (2) How many such allegations have been shown to be false;
- (3) How many, if any, foster carers have refused to take more children since 2001;
- (4) How many, if any, homeless children have been housed in motel or comparable accommodation with social workers while awaiting placement since 2001.

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

- (1) Since 2001 there has been one recorded allegation of sexual abuse by a foster carer.
- (2) There have been no substantiated allegations of sexual abuse by a foster carer.
- (3) The Office for Children, Youth and Family Support does not recruit foster carers. The provision of foster care in the ACT is managed by contractual arrangement between the Office for Children, Youth and Family Support and approved out-of-home care providers in the Territory. The information requested would require the non-government foster care agencies to re-direct resources to undertake an extensive search of their records. Further, Open Family who was contracted is no longer a provider of out-of-home care services.
- (4) Emergency hotel accommodation for a child and paid carer has been arranged by the Office for approximately four children since 2001, while an appropriate placement was sought.

**Public service—consultants
(Question No 260)**

Mr Smyth asked the Chief Minister, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the
 - (a) name of the consultant
 - (b) address of the consultant
 - (c) cost of the consultancy and
 - (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

The answer to the Member's question in relation to the Chief Minister's portfolio is detailed in the following attachment.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 262)**

Mr Smyth asked the Minister for the Environment, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the;
 - (a) name of the consultant;
 - (b) address of the consultant;
 - (c) cost of the consultancy; and
 - (d) service provided by the consultants.

- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

The answer to the Member's question in relation to the Minister for the Environment's portfolio is detailed in the following attachment.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 263)**

Mr Smyth asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the;
 - (a) name of the consultant;
 - (b) address of the consultant;
 - (c) cost of the consultancy; and
 - (d) service provided by the consultants.

- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

The answer to the Member's question in relation to the Minister for Arts, Heritage and Indigenous Affairs' portfolio is detailed in the following attachment.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 264)**

Mr Smyth asked the Treasurer, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

Mr Quinlan: The answer to the member's question in relation to the Treasurer's portfolio is detailed in the following attachment:

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 265)**

Mr Smyth asked the Minister for Economic Development and Business, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the
 - (a) name of the consultant
 - (b) address of the consultant
 - (c) cost of the consultancy and
 - (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

- (1) Yes, consultants have been used to date this financial year in my portfolio.
 - (a) The names of the consultants are:
 - (i) Mark Harrison.
 - (ii) KPMG.
 - (iii) Maxicom.
 - (iv) Access Economics.
 - (v) Ernst & Young.
 - (vi) Turallo Consulting.
 - (vii) Accumen Alliance.
 - (viii) Global Strategy Group.
 - (ix) University of Canberra.
 - (x) Murray Geddes.
 - (xi) Jane Boardman.
 - (xii) Directions for Change.
 - (xiii) Mercer Human Resources Consulting Pty Ltd.
 - (xiv) William Mutton Consultant.
 - (xv) James Venn & Associates.
 - (xvi) Don Scott-Kemmis Consultant.
 - (xvii) Something Ventured Pty Ltd.
 - (xviii) Phillips Fox.
 - (xix) Cox Humphries Moss.

- (xx) Cox Richardson.
- (xxi) John Ranieri and Associates.
- (xxii) Face Value Solutions.
- (xxiii) Wilde and Woollard.
- (xxiv) TLC Business Consulting.
- (xxv) Realtime Technology Systems.
- (xxvi) Opticon Australia.

(b) The addresses of the consultants are:

- (i) Aranda ACT.
- (ii) Brisbane QLD.
- (iii) Sydney NSW.
- (iv) Barton ACT.
- (v) Melbourne VIC.
- (vi) Queanbeyan NSW.
- (vii) Canberra ACT.
- (viii) Manuka ACT.
- (ix) Canberra ACT.
- (x) Dickson ACT.
- (xi) Kingston ACT.
- (xii) Manuka ACT.
- (xiii) Brisbane QLD.
- (xiv) Kambah ACT.
- (xv) Wanniasa ACT.
- (xvi) Deakin ACT.
- (xvii) Braddon ACT.
- (xviii) Canberra ACT.
- (xix) Kingston ACT.
- (xx) Sydney NSW.
- (xxi) Fyshwick ACT.
- (xxii) Queanbeyan NSW.
- (xxiii) Kingston ACT.
- (xxiv) Macgregor ACT.
- (xxv) Isabella Plains ACT.
- (xxvi) Canberra ACT.

(c) The cost of the consultancies were:

- (i) \$13,200.
- (ii) \$60,500.
- (iii) \$5,000.
- (iv) \$33,000.
- (v) \$31,500.
- (vi) \$6,000.
- (vii) \$9,999.
- (viii) \$19,000.
- (ix) \$20,000.
- (x) \$2,350.
- (xi) \$2,000.
- (xii) \$2,600 and \$1,550.
- (xiii) \$1,576.
- (xiv) \$5,000 and \$3,562 and \$10,000.
- (xv) \$7,640.
- (xvi) \$20,250.

- | | |
|---------|-------------------------------------|
| (xvii) | \$6,325. |
| (xviii) | \$1,209 and \$756.60. |
| (xix) | \$68,600. |
| (xx) | \$12,800. |
| (xxi) | \$30,800. |
| (xxii) | \$60,000 and \$30,000 and \$10,000. |
| (xxiii) | \$83,000. |
| (xxiv) | \$22,831. |
| (xxv) | \$39,000. |
| (xxvi) | \$30,000. |
- (d) The services provided by the consultants were;
- (i) The development of a business case for Floriade Permanent Site.
 - (ii) Review of tourism signposting in the ACT.
 - (iii) Provide project management advice and consolidation of documentation for Project SCAN (Snowy Mountains, Capital Country, ACT and NSW Regional Tourism Partnership Program).
 - (iv) Estimation of the economic contribution of tourism to the ACT.
 - (v) Analysis on the economic contribution of events and exhibitions to the ACT.
 - (vi) Development of ACTC's Certified Agreement and advocacy services at the Industrial Relations Commission.
 - (vii) Review of National Capital Education Tourism Program.
 - (viii) Preparation of Business Plan, BusinessACT.
 - (ix) Economy Wide Risk Analysis and Risk Management Research Project.
 - (x) Specialist assistance for the preparation, design and provision of a workshop on micro business issues.
 - (xi) Strategic planning session for Policy Unit, BusinessACT, Department of Economic Development.
 - (xii) Consultant Fees for BusinessACT Planning Days.
 - (xiii) Work Value Assessment – Small Business Commissioner.
 - (xiv) Review of Business Migration Program arrangements.
Development of ACT Business Migration Policy Statement.
Developing a Best Practice Model for ACT Business Migration Program Arrangements.
 - (xv) Business Migration Unit Investigation.
 - (xvi) Feasibility Study for a Business Incubator Comprising of a Business Plan Competition for University Students and an Enterprise Development Facility.
 - (xvii) Business Plan for the Canberra Business Promotion Centre.
 - (xviii) National Convention Centre Upgrade – Consulting Fees for Probity Issues.
 - (xix) Architectural design and documentation for ACTTAB's new Head Office.
 - (xx) Loose furniture and records storage requirements brief, furniture recommendations and associated design and documentation for ACTTAB.
 - (xxi) Design, documentation and post tender services for a generator, UPS, security system, sound and vision system and associated mechanical and electrical works for ACTTAB. Watching brief in relation to mechanical and fire services to be provided by the Lessor.
 - (xxii) Design and documentation, construction oversight, commissioning,

- testing, and training of communication facilities and coordination with building constructors for ACTTAB.
- (xxiii) Surveyor services for ACTTAB.
 - (xxiv) Database software development, maintenance and advisory services for customized finance, administration and management IT systems for ACTTAB.
 - (xxv) Software development, maintenance and advisory services for web site for ACTTAB.
 - (xxvi) IT administration systems review for ACTTAB.
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.
- (i) Yes. Copies may be obtained from the Chief Financial Officer, Australian Capital Tourism.
 - (ii) A draft report has been received and will be presented to stakeholders. A final report will be available in early April 2005 from the Product and Industry Development Manager, Australian Capital Tourism.
 - (iii) No actual report will be prepared. Revised documentation will be provided for Project SCAN.
 - (iv) Yes. Summary document available on the Australian Capital Tourism corporate web site. Copy of the full document available from the Research Manager, Australian Capital Tourism.
 - (v) Yes. Copy of the document available from the Research Manager, Australian Capital Tourism.
 - (vi) Certified Agreement available from Corporate Services Manager, Australian Capital Tourism.
 - (vii) Yes. Copies may be obtained from the Chief Financial Officer, Australian Capital Tourism.
 - (viii) Yes available from BusinessACT.
 - (ix) Currently being prepared.
 - (x) No. Given the nature of the work undertaken, reports were not prepared.
 - (xi) No. Given the nature of the work undertaken, reports were not prepared.
 - (xii) No and no. Given the nature of the work undertaken, reports were not prepared.
 - (xiii) Yes available from BusinessACT.
 - (xiv) Yes and yes and yes and all available from BusinessACT.
 - (xv) Yes available from BusinessACT.
 - (xvi) Yes available from BusinessACT.
 - (xvii) Yes available from BusinessACT.
 - (xviii) No and no. Given the nature of the work undertaken, reports were not prepared.
 - (xix) No. Given the nature of the work being undertaken, reports are not being prepared. There have been numerous versions of the architectural plans produced and continue to evolve.
 - (xx) No. Given the nature of the work being undertaken, reports are not being prepared.
 - (xxi) No. Given the nature of the work being undertaken, reports are not being prepared. Schematic design documentation has been created for the mechanical and electrical work.

- (xxii) No. Given the nature of the work being undertaken, reports are not being prepared. Schematic design documentation has been created for the communication facilities.
 - (xxiii) No. Given the nature of the work being undertaken, reports are not being prepared.
 - (xxiv) No. Given the nature of the work being undertaken, reports are not being prepared.
 - (xxv) No. Given the nature of the work being undertaken, reports are not being prepared.
 - (xxvi) Yes. Copy cannot be obtained as the report is for internal purposes and of no public interest.
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**Public service—consultants
(Question No 268)**

Mr Smyth asked the Minister for Education and Training, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

- (1) & (2) The Department of Education & Training has used consultants in 2004-05. Attachment A provides details of the department's usage of consultants during this period.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 269)**

Mr Smyth asked the Minister for Children, Youth and Family Support, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

- (1) Yes. The attached table provides the name, address, cost and the service provided by the consultant.

- (2) The attached table identifies which consultants have prepared a report and where copies may be obtained.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 270)**

Mr Smyth asked the Minister for Women, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

- (1) No.
- (2) No.
-

**Public service—consultants
(Question No 271)**

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the
(a) name of the consultant
(b) address of the consultant
(c) cost of the consultancy and
(d) service provided by the consultants
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

The answer to the Member's question in relation to the Minister for Industrial Relations' portfolio is detailed in the following attachment.

A copy of the attachment is available at the Chamber Support Office.

**Public service—consultants
(Question No 272)**

Mr Smyth asked the Minister for Disability, Housing and Community Services.

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

Much of this information is being prepared for the 2004-05 Annual Report of the Department of Disability, Housing and Community Services, and will be available in line with the Government's guidelines and timetable for production of that report.

In relation to the residual information, the Government is not prepared to invest the significant time required to address such a question.

**Public service—consultants
(Question No 275)**

Mr Smyth asked the Minister for Sport and Recreation, upon notice, on 10 March 2005:

- (1) Have any consultants been used to date this financial year in your portfolio; if so, what was the (a) name of the consultant (b) address of the consultant (c) cost of the consultancy and (d) service provided by the consultants;
- (2) Has or will a report been prepared by the consultant/s; if so, where may copies be obtained.

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

- (1) No consultants have been used to date this financial year.
- (2) N/A.

**Hospitals—ambulance bypass
(Question No 277)**

Mr Smyth asked the Minister for Health, upon notice, on 10 March 2005:

- (1) What is the full list of measures that must be implemented before a hospital can be approved for ambulance bypass;
- (2) Does this list of measures include telling staff that they need to or should skip meal breaks and work harder; if not, why would this have been a measure discussed in an email between the Deputy Director General of the Canberra Hospital, the Director of Emergency Medicine and an Emergency Department Doctor.

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

- (1) The list of measures implemented at The Canberra Hospital (TCH) prior to ambulance bypass (load sharing) are described in the attached memo "Emergency Department Load Sharing (Bypass)" of 22 November 2004.
- (2) This list of measures does not include telling staff that they need to or should skip meal breaks and work harder.

The leaked email from the Deputy General Manager TCH was a personal email to the duty Admitting Officer (and the Director) summarizing a conversation with the Admitting Officer a few minutes prior to the email. The duty Admitting Officer was responsible for overseeing the operations of the Emergency Department at that time. In that conversation the Deputy General Manager had asked the duty Admitting Officer to personally work harder and organize his staff to resolve the situation that he perceived had developed. The Deputy General Manager had also asked the Admitting Officer to ensure that staff return promptly from breaks (meaning at the completion of the breaks).

Staff were not told to skip meal breaks.

There was no intention to imply that staff were not working hard.

A copy of the attachment is available at the Chamber Support Office.

Kangaroos—culling (Question No 278)

Mr Stefaniak asked the Minister for the Environment, upon notice, on 10 March 2005:

- (1) Has the ACT had a system of "accredited kangaroo cullers";
- (2) What is the legal basis for such "accreditation";
- (3) Have all such cullers had their accreditation cancelled recently;
- (4) What is the legal basis for such action;
- (5) What is the (a) minimum and (b) maximum calibre of rifle allowed by law for the culling of kangaroos in the ACT;
- (6) What is the legal basis for such restriction;
- (7) May kangaroos be legally culled in daylight in the ACT;
- (8) Are the current accuracy tests for cullers in the ACT conducted at night;
- (9) How many public officials, including police officers, are involved in each test;
- (10) Apart from police officers, what other officials are involved in each test;
- (11) Are accredited cullers required to restrict themselves to the firearm with which they passed the test, even if re-barrelled; if so, under what legal basis;

- (12) Is it proposed that accredited cullers be randomly checked that they are using only the firearm with which they passed the test; if so, under what legal basis;
- (13) If these random checks are proposed, how will they be carried out and by whom;
- (14) Is it proposed that AFP resources will be diverted from crime fighting to driving around paddocks at night to check the firearms used by cullers;
- (15) How frequently is it proposed that future tests for accreditation will take place.

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

- (1) Yes
- (2) It is a condition of the Licence to Kill native animals issued to the rural lessee under Section 44 of the Nature Conservation Act 1980, that shooters undertaking the killing must be accredited. An accreditation process also ensures that humane death of target kangaroos is achieved in accordance with the Animal Welfare Act 1992.
- (3) No. Shooters are accredited for a finite period, after which they are required to re-qualify. The accreditation period for all shooters previously permitted to undertake culling expired prior to the commencement of the 2005 culling period.
- (4) As mentioned in (2) above.
- (5) The Code of Practice for the humane destruction of kangaroos in the ACT prescribes the minimum specification for firearms used to cull kangaroos as *"a centrefire rifle, fitted with a telescopic site, Nominal bore size .596 cm (.224") and centrefire case capacity of at least .222 Remington"*.

There is no maximum calibre of rifle specified within the Code. However, for reasons of public safety, the Australian Federal Police have deemed the maximum calibre as being .243.
- (6) Adherence to the Code of Practice, unless otherwise stated, is a condition of the Licence to kill native animals issued under the Nature Conservation Act 1980. The Firearms Act 1996 requires shooters and firearms to meet conditions that may be specified by the Registrar of Firearms and particular requirements may be applied for shooting near a public place.
- (7) Yes, unless otherwise specified in the conditions of the Licence.
- (8) Yes. This acknowledges that culling on rural leases mainly occurs outside daylight hours when kangaroos are likely to be feeding and are most visible.
- (9) Five public officials were present at the last accreditation session.
- (10) Two officers from Environment ACT were present but not part of the testing process. Two firearms instructors who are not public officials were present and involved in testing.
- (11) Accredited cullers will be restricted to the calibre of weapon as specified in their licence conditions.

- (12) Random inspections may be undertaken to ensure compliance with Licence conditions.
- (13) Property inspections may be undertaken jointly by the AFP and staff from Environment ACT.
- (14) No. The AFP currently has rural patrol officers who service the rural community through proactive patrolling. The inspections can be incorporated into their routine patrols.
- (15) Accreditation will last for two years. Future tests may be arranged at other intervals if necessary.

**ACT Forests—use of herbicides
(Question No 280)**

Mrs Dunne asked the Minister for Urban Services, upon notice, on 10 March 2005:

- (1) Does ACT Forests use residual herbicides such as atrazine and hexazinone in their operations; if so, which herbicides;
- (2) What is the half-life of each of the residual herbicides used;
- (3) Were residual herbicides regularly used in the Lower Cotter forests prior to the 2003 fires; if so, (a) what studies were done into the concentrations of residual herbicides in the soil following the 2003 fires in the Lower Cotter catchment, (b) what work was done to assess the impact of the erosion of soils containing residual herbicides on the water catchment, (c) what work was done to ensure that soils containing concentrations of residual herbicides were not washed into Canberra's water supply or washed downstream into the Murrumbidgee River and (d) what impact would soils laden with residual herbicides have on the breeding grounds of the endangered two spine black fish.

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

- (1) ACT Forests does not use the residual herbicide atrazine. ACT Forests uses hexazinone as both Velpar DF and Velmac CR.

As a general policy position, ACT Forests favours the use of low residual chemicals in preference to more aggressive herbicides – especially within the water catchment. An example is the use of Roundup in preference to Grazon.

- (2) Hexazinone has a representative half-life of 90 days, measured field values range from 30-180 days (Exttoxnet- Pesticide Information Profiles).
- (3) No

**Schools—bullying
(Question No 281)**

Mrs Dunne asked the Minister for Education and Training, upon notice, on 10 March 2005:

How many cases of bullying of (a) students by students, (b) teachers by students, (c) students by teachers and (d) teachers by teachers were referred to and/or investigated by the Department of Education and Training in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004 to the end of February 2005.

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

(a) students bullying students

Schools investigate and resolve instances of bullying in the context of their student management and welfare protocols and policies.

Schools are not required to label incidents or to report day to day management issues to the department.

(b) students bullying teachers

This is dealt with as for (a).

(c) teachers bullying students

This is generally managed at the local level or through the department's complaints process. The department does not have aggregated data on bullying however the following are the recorded investigations into teacher conduct that might be considered by some as bullying:

- (i) 2002-2003 – 2 (two)
- (ii) 2003-2004 – 1 (one)
- (iii) 2004 - 28 February 2005 – 2 (two)

(d) teachers bullying teachers

The department does not have aggregated data on bullying however the following are the recorded investigations into conduct that might be considered by some as bullying:

- (i) 2002-2003 – 1 (one)
- (ii) 2003-2004 – 1 (one)
- (iii) 2004 - 28 February 2005 – 0 (zero)

Schools—bullying (Question No 282)

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 10 March 2005:

How many cases of bullying of teachers by teachers were referred to and/or investigated by ACT WorkCover in:

- (a) 2002-2003,
- (b) 2003-2004 and
- (c) 2004 to the end of February 2005.

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

(a), (b) and (c) - ACT WorkCover does not collect such specific data.

**Development—multi-units
(Question No 284)**

Dr Foskey asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005, (redirected to the Minister for Planning):

- (1) How many multi-unit developments have been approved since 1 July 2004;
- (2) How many individual units/apartments/townhouses are in those developments;
- (3) How many of these units were (a) public housing, (b) community housing or (c) another form of affordable housing.

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

- (1) There have been 27 Development Applications (DA) for three or more units, approved in the period since 1 July 2004.
 - (2) The approved DAs relate to 616 units/apartments/townhouses.
 - (3) The Development Approval Register Tracking System (DARTS) used by the Authority is unable to split the types of units into individual categories such as public, community or affordable housing.
-

**Bushfires—pine replanting
(Question No 285)**

Dr Foskey asked the Chief Minister, upon notice, on 10 March 2005:

- (1) How much natural re-growth has actually been cleared by ACT Forests in order to allow for planting of pines in the Lower Cotter catchment;
- (2) Are the re-forestation strategies based around minimal soil disturbance;
- (3) What assessments have been made of the likely impact of pesticides and herbicides used on water quality and were they independently reviewed; if so, can these be made publicly available;
- (4) What studies were undertaken to assess the impact of re-planting with pines on water yields and will these be made available.

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

- (1) Following the January 2003 bushfires, 4,300 ha of plantation land in the Lower Cotter Catchment was burnt. Of this area, it is planned that about 3,500 ha will be returned to pines. Approximately 2,000 ha of land has already been cleared and/or planted as of March 2005. It is envisaged that there will be in excess of an additional 700 ha added to existing native buffer areas.

In order to re-establish appropriate vegetation in these areas, site preparation must be undertaken. This may involve the removal of weeds, pine wildlings and native re-growth in areas where burnt pines are being cleared and where planting is due to occur.

ACT Forests have sought to minimize disturbance in these areas, and where possible will be leaving re-growth of appropriate species where it has naturally occurred.

- (2) Yes. Independent expert advice has confirmed that the methods employed by ACT Forests are best practice.
- (3) ACT Forests hold an Environmental Authorisation for the commercial application of pesticides and inform ACTEW of proposed spraying activities in the Catchment.

All pesticides used are registered under the National Registration Scheme and have been subject to an assessment and approvals process by the Australian Pesticides and Veterinary Medicines Authority.

ACTEW tested raw water from Lower Cotter for a variety of parameters before considering it suitable for abstraction. These included a standard suite of known pesticides and herbicides, which were tested for on 7 May 2004 and 2 December 2004. No pesticides or herbicides were detected. Following these clear results, water was drawn from the Lower Cotter up to end February 2005.

Further testing was conducted by ACTEW on 8 March 2005, with no pesticides or herbicides detected.

ACTEW publicly report that the Canberra water supply meets all the agreed water quality standards, as specified in the Australian Drinking Water Quality Guidelines.

- (4) No studies specific to the ACT have been undertaken within Government to date to assess the impact of re-planting with pines on water yields. However, evidence from other catchments and the Murray Darling Basin Commission have indicated that for all vegetation types, water yields decrease during re-generation.

The replanting of pines in the Cotter catchment was considered in detail by the Non-Urban Study Steering Committee. The Committee's report, *Shaping Our Territory; Final Report: Opportunities for Non-Urban ACT* is a matter of public record.

Bushfires—pine replanting (Question No 286)

Dr Foskey asked the Minister for the Environment, upon notice, on 10 March 2005:

- (1) How much natural re-growth has actually been cleared by ACT Forests in order to allow for planting of pines in the Lower Cotter catchment;
- (2) Are the re-forestation strategies based around minimal soil disturbance;
- (3) What assessments have been made of the likely impact of pesticides and herbicides used on water quality and were they independently reviewed; if so, can these be made publicly available;

- (4) What studies were undertaken to assess the impact of re-planting with pines on water yields and will these be made available.

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

- (1) Following the January 2003 bushfires, 4,300 ha of plantation land in the Lower Cotter Catchment was burnt. Of this area, it is planned that about 3,500 ha will be returned to pines. Approximately 2,000 ha of land has already been cleared and/or planted as of March 2005. It is envisaged that there will be in excess of an additional 700 ha added to existing native buffer areas.

In order to re-establish appropriate vegetation in these areas, site preparation must be undertaken. This may involve the removal of weeds, pine wildlings and native re-growth in areas where burnt pines are being cleared and where planting is due to occur.

ACT Forests have sought to minimize disturbance in these areas, and where possible will be leaving re-growth of appropriate species where it has naturally occurred.

- (2) Yes. Independent expert advice has confirmed that the methods employed by ACT Forests are best practice.
- (3) ACT Forests hold an Environmental Authorisation for the commercial application of pesticides and inform ACTEW of proposed spraying activities in the Catchment.

All pesticides used are registered under the National Registration Scheme and have been subject to an assessment and approvals process by the Australian Pesticides and Veterinary Medicines Authority.

ACTEW tested raw water from Lower Cotter for a variety of parameters before considering it suitable for abstraction. These included a standard suite of known pesticides and herbicides, which were tested for on 7 May 2004 and 2 December 2004. No pesticides or herbicides were detected. Following these clear results, water was drawn from the Lower Cotter up to end February 2005.

Further testing was conducted by ACTEW on 8 March 2005, with no pesticides or herbicides detected.

ACTEW publicly report that the Canberra water supply meets all the agreed water quality standards, as specified in the Australian Drinking Water Quality Guidelines.

- (4) No studies specific to the ACT have been undertaken within Government to date to assess the impact of re-planting with pines on water yields. However, evidence from other catchments and the Murray Darling Basin Commission have indicated that for all vegetation types, water yields decrease during re-generation.

The replanting of pines in the Cotter catchment was considered in detail by the Non-Urban Study Steering Committee. The Committee's report, *Shaping Our Territory; Final Report: Opportunities for Non-Urban ACT* is a matter of public record.

**Social welfare—support services
(Question No 287)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:

- (1) How is the Government measuring the success of the Individual Support Services Team;
- (2) Against what Key Performance Indicators is the Team measured;
- (3) What is the level of client satisfaction to date.

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

- (1) The Government is measuring the success of the Individual Support Services (ISS) team in the following ways, by:-
 - Reporting on a six monthly basis to the ACT Legislative Assembly on the progress achieved against the Government Response to the Recommendations of the *Board of Inquiry into Disability Services*. The fourth and final report was tabled in the Assembly on 15 February 2005;
 - Conducting an audit into the implementation of agreed recommendations of the *Board of Inquiry into Disability Services* and two Coroner's Inquiries. The recommendations of this audit are being implemented;
 - Incorporating the 13 key challenges and priority areas highlighted in *Steps to Reform: Reform and Action Strategy for Disability Services in the ACT 2002-2005* into the *Future Direction: A framework for the ACT 2004-2008*;
 - Implementing a management plan for ISS that aligns with the Department's strategic direction and *Future Directions* Framework which sets out key priorities, targets and qualitative and quantitative key performance indicators (KPI);
 - Undertaking key reviews into respite services, Community Linking and Needs Assessment Service (CLANAS) pilot and the aCe Recreation Program; and
 - Undertaking internal periodical audits and checks (Periodic Service Review (PSR) audits) of regular tasks.
- (2) The ISS team is measured against the following Key Performance Indicators:
 - PSR Audits – regular assessments of performance on a house basis against a comprehensive set of criteria including client participation in activities, record and financial management and property maintenance;
 - Performance Management Plans (PMPs) which have been completed by Senior Management, ISS Network Managers and individual houses. They include assessment against a set of ten Key Result Areas (KRAs);
 - The ISS Management Plan 2005-2008 has a comprehensive set of Key Performance Indicators against which the performance of the ISS team will be measured;

- Informal measures of performance include client and family feedback for example their support for the Active Support Model and strategies to stabilising staffing; and
 - Monitoring the current mandatory training for staff.
- (3) Client satisfaction is monitored on an individual basis through the development of an Individual Plan (IP), which is reviewed on a quarterly basis with clients, parents and guardians or advocates, to ensure the current needs and aspirations of individuals are being met.

The Department also has a complaints process and refers any issues raised by clients, parents or guardians.

A client satisfaction survey is currently being finalised and this will provide a comparative measure against the last survey conducted in 2002.

Community Housing Canberra (Question No 288)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:

- (1) Has the steering committee of officials from the Department of Housing, Disability and Community Services, Treasury, Chief Minister's Department and the Department of Justice and Community Safety, Community Housing Canberra (CHC), concluded that CHC's constitution, funding agreement and accountability arrangements did not provide safeguards to protect the public interest; if so, have these changes occurred and what steps have been taken to rectify and ensure these changes have occurred;
- (2) If the ACT Government is now a member of the company associated with the CHC, what are the special rights that enable the ACT Government to protect the public interest in the assets invested in the company;
- (3) What objectives of the company have been revised to strengthen the focus on community housing for low income households and alleviating poverty;
- (4) What are the skills and experience required of directors of the board of CHC;
- (5) Has CHC produced a business plan for all of its activities;
- (6) What limitations (a) have been placed on the CHC company's borrowings from private financial institutions and (b) are in place to restrict the CHC company from participating in joint venture and disposal of any of its assets without the approval of the ACT Government.

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

- (1) Yes. No, the changes have not occurred. The Department of Disability, Housing and Community Services is working with Community Housing Canberra to introduce a new Constitution and new funding agreement by June 2005.
- (2) The ACT Government is not currently a member of the company.

(3) Proposed new objectives include: “promote the relief of poverty by providing community and affordable housing to people in the Australian Capital Territory who are in need, including members of low income households”, and “facilitate equitable, non discriminatory access to community and affordable housing in the Australian Capital Territory for people in housing need”.

(4) Commitment to and an understanding of community and affordable housing and the Company’s objects.

Expertise in housing development and procurement, asset management, social housing management, community development, social policy development, law, accounting or corporate finance.

(5) No. The requirement to produce a business plan for all activities will be a condition of the new funding agreement from July 2005.

(6) None. These will be included in the new funding agreement.

**Children—disabled
(Question No 290)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:

What options are available in relation to accessing carer services for a family with a severely disabled child, particularly after the child leaves school.

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

Community Services

All people with disabilities in the ACT are eligible to access a range of government funded community services. These include:

- Youth services such as provided by regional Youth or Community Centres, the YMCA, the YWCA, Scouts etc.
- Therapy Services, such as Physiotherapy, Occupational Therapy, Speech Therapy etc.

Department of Education - Support for School Leavers

With regard to services for school leavers, I am advised that the Department of Education is currently in its second year of implementing a Student Pathways Planning program across all high schools and colleges in the ACT including special education schools such as Black Mountain. Student Pathways Planning works with students to explore their unique capabilities across a range of areas including future life planning.

Post School Services

After they leave school, many students with disabilities are able to gain access to employment assistance and vocational training programs.

For those students with disabilities who are not able to immediately seek employment, training, or further education, the ACT Government offers a Post School Options (PSO) Program.

The PSO program works with young people and their families to further develop their plans for the future, and may also provide short-term transitional funding (up to three years) to assist people with disabilities to make this transition.

Respite Services include centre based respite and in-home respite and provide short term and time limited breaks for families and other voluntary care givers while providing a positive experience for the person with a disability.

Individual Funding

The ACT Government also offers individualised funding (also known as an Individual Support Package (ISP)) which enables people to develop their own support arrangements to meet individual circumstances. The ACT Government allocates \$4.215 million in ISP's annually (brokered through non government agencies).

In 2004/05 Disability ACT conducted a Disability Support Funding Process, which enabled school leavers to apply for the PSO program, specialist disability services and ISP's (or a combination of all three) through a single application process. An additional \$1.576 million was allocated through this process, which assisted 56 people with disabilities in need, including 12 school leavers and their families. A further three school leavers with lesser support needs were offered the assistance of Post School Options transitional planning services but were not prioritised for additional funding.

Children—therapy (Question No 292)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:

- (1) Was \$1 million allocated in the 2000-01 Budget Paper No 3, page 59, provided for “appropriate and integrated clinical and community services for children with complex behavioural and support issues, in particular, for children with autism spectrum disorder and cerebral palsy” and to “also provide funding for therapy services for children in special schools.”; if so, did the Department use half the allotted funds to increase the number of therapy staff providing services to special schools;
- (2) In each year over the last ten years, and for each of the ACT special schools (a) how many therapy staff provided services to students at each school, (b) how many staff providing services at each special school were qualified in each allied health discipline, (c) how many students overall received therapy services, (d) how much therapy did each discipline provide, (e) how many students with autism received therapy services at each school funded by the Department and (f) how much therapy did each discipline type provide for these students;
- (3) In each year since 2000, what increase in therapy services for students with autism is due to the budget initiative of 2000-01 referred to in part (1);

- (4) What autism-specific methods did the staff use when providing therapy for students with autism given that autism is a specific clinical diagnosis that requires autism-specific therapy;
- (5) How did the Department measure and report the outcomes of this initiative (a) for children with complex behavioural and support issues and (b) for children with autism;
- (6) In the last five years has the difficulty in recruiting appropriately qualified staff affected the delivery of therapy services in any way; if so, how;
- (7) In the last five years, has the delivery of therapy services been limited or decreased either as a whole or to students with autism.

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

- (1) Yes.
- (2) After careful consideration of the question and advice provided by my Departments, 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 purpose of answering the Member's question.
- (3) Therapy ACT provides service on a needs basis. Some teams of staff provide input to all the children that attend a special education unit, in order to assist with communication with the teacher. Up until the formation of Therapy ACT, the Disability Program serviced special schools. The eligibility of this service was that the client must have had an intellectual disability under 70 IQ.
- (4) Children with autism spectrum disorder have certain traits and behaviours associated with the condition. An individual child will vary according to their environment, education setting and individual differences of personality and temperament.

Intervention is individualised and may involve:

- Assessment and intervention for sensory modulation and sensory processing issues;
- Visual communication systems such as Picture exchange System;
- Visuals, social stories to assist with change, transitions and provide structure; and
- Behaviour analysis and modification strategies.

- (5)
 - (a) The program measures were:
 - Number of hours of service;
 - Number of clients;
 - Teacher satisfaction; and
 - Parent satisfaction.
 - b) The measures were not specifically compiled for children with autism. See Annual Report – Department of Health and Community Care 2000/01.
- (6) There is a national shortage of allied health professionals. This shortage has affected recruitment of staff. In times of staff shortage, clients' needs are prioritised and only life

threatening and severe impact issues can be attended to. During times of acute shortages consultation, training and information is provided to those caring or involved with clients. There is also a shortage of staff with specialised training and skills in the area of autism. Staff of Therapy ACT have received inservices and workshop training, attended autism conferences and undertaken training in the autism assessment procedures that are considered best practice. Professional development for all staff is ongoing.

(7) Services to students with autism have increased over the last five years. The increase has been in:

- Diagnostic assessments – 144 since Therapy ACT started the service;
- Development of the Autism Assessment and Family Support team 2005;
- Assessment and intervention as require;
- Support and input to children with autism in mainstream classes;
- Input to teachers in the increased number of education units for children with autism - Communication and Social Awareness Group (children under 3 years), Autism Intervention Units (3-5 year olds) and Learning Support Units- Autism Specific (Primary school age);
- Disability ACT provides funding of \$32,000 for the Applied Behaviour Analysis (ABA) Program for four students with autism who attend the Woden School. This involved the contracting of 'Autism Partnership' from Victoria to provide specialist training and supervision for the Woden School staff who worked in the ABA classroom. This program is also being funded for 2005 and is currently being evaluated by 'PSI Consulting' through a joint funding arrangement between DHCS and the Department of Education and Training. The evaluation is to be completed by the end of April 2005; and
- Intervention and family support.

Health—asbestos (Question No 293)

Mr Pratt asked the Minister for Industrial Relations, upon notice, on 10 March 2005:

- (1) Further to a briefing held on Tuesday, 8 March at the Reid Canberra Institute of Technology (CIT) to inform industry of the requirements of the new asbestos legislation to be introduced from 16 January 2006 and at which a number of questions were raised but not adequately answered, is a new asbestos report required, at a forecast cost to the owner of approximately \$600 for each renovation, repair, sale etc of a property;
- (2) At what level of minor property renovation, maintenance or repair undertaken, for example minor plumbing repairs, removal and/or installation of inbuilt household electrical equipment etc, is a report not required;
- (3) If there is no minimum level, why not;
- (4) How long will the asbestos report be valid and is it considered to be along the same lines as a building report in that respect; if not, why not;
- (5) Can the asbestos report be done as part of a building report; if not, why not;
- (6) Is it possible to register a one-off asbestos report to be updated after any renovation, maintenance, repair work, or sale of the property; if not, why not;

- (7) If an asbestos report has an expiry date but no renovation, maintenance or repair work has been undertaken on that property, is the owner required to have another report prepared at additional and unnecessary expense; if so, why;
- (8) Will a copy of all asbestos reports undertaken in the ACT be maintained by a central register; if so,
 - (a) by whom,
 - (b) how much will it cost the ACT Government or industry per annum to manage and
 - (c) how will it be policed or monitored; if not, why not;
- (9) In relation to tenanted properties, is a new asbestos report required for each subsequent tenancy; if so, why; if not, why not;
- (10) Will a landlord be required to provide a tenant, at the landlord's expense, with alternative accommodation during any renovation, repair or maintenance work if the property they occupy has been shown to contain asbestos; if not, why not;
- (11) Who can undertake to prepare the required asbestos reports and how many such asbestos inspectors are there or will there be by the time the legislation comes into effect in the ACT;
- (12) How will these inspectors be trained and what qualifications will they be required to have;
- (13) In relation to property costs, how will the added expense to the owner of having to undertake these asbestos reports and/or a subsequent finding of asbestos affect the
 - (a) value of property in the ACT,
 - (b) cost of selling a property,
 - (c) cost of each incidence of renovation, maintenance or repair work to a property, and thus the overall cost of living,
 - (d) cost of rental properties for tenants, for example will rents rise to compensate for the increased cost of these reports,
 - (e) cost of housing, whether tenanted or owner-occupied, for people on low-incomes and
 - (f) reluctance of purchasers to pay full market price for a property due to ongoing asbestos reporting obligations and costs, and thus the effect on ACT property values;
- (14) As one of the biggest landlords in the ACT is ACT Housing prepared, at an additional cost to the ACT Government, to survey each of its properties for asbestos in line with the introduction of the new asbestos legislation;
- (15) Will ACT Housing be required to undertake an asbestos report for each of its properties after each change of tenant and for each incidence of renovation, repair and maintenance work; if so, why; if not, why not;
- (16) How much will this cost the ACT Government per annum and will this cost be passed onto the ACT taxpayer or will ACT Housing pass this increase in cost onto its tenants;
- (17) How many asbestos reports is it estimated will be undertaken on ACT Housing properties per annum once the legislation comes into effect.

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

- (1) to (13) Refer to the operation of Sections 47K and 47L of the *Dangerous Substances (Asbestos) Amendment Act 2004*. These sections of the Act do not commence until 2006. The Asbestos Assessment Task Force is considering these issues as part of its report to the Legislative Assembly, due in August this year. It is appropriate that we await the advice of the Task Force.
 - (14) Housing ACT is not required to survey each of its properties for asbestos. The new legislation requires all property owners, including Housing ACT, to inform tenants or prospective tenants or tradespeople or anyone who is asked to work on the property what they know about materials containing asbestos at the property.
 - (15) Housing ACT will comply with the legislation, which does not currently require an asbestos report to be undertaken. Once the formal requirements of Sections 47K and 47L of the legislation commence, Housing ACT will obtain asbestos reports as required.
 - (16) The cost of undertaking asbestos reports is not known yet. Housing ACT undertakes condition audits on its properties. Audits done as part of the rolling program will in future include visual identification of asbestos. It is not anticipated that this will significantly add to the cost of the reports. Tenants of Housing ACT properties will continue to pay rent based on market rent or 25% of their income, whichever is the lesser amount.
 - (17) There is currently no requirement to undertake asbestos reports. Once Section 47 K of the legislation becomes effective Housing ACT, when it is engaging in a “high-risk activity in relation to asbestos”, will be required to find out whether there is asbestos at the premises if it does not already know. There are no figures available on the number of asbestos reports that would be required for high risk activities. Once Section 47L of the legislation becomes effective, Housing ACT will be required to obtain an asbestos inspection report for any property that it sells. In the 2003-04 financial year, Housing ACT sold 126 properties.
-

Environment and conservation—litter infringements (Question No 294)

Mr Pratt asked the Minister for Urban Services, upon notice, on 10 March 2005:

- (1) Regarding littering in general and being mindful of the tonnes of litter collected across the ACT during the latest Clean Up Australia campaign, how many (a) individuals, (b) businesses and (c) others have been issued warnings or been fined for littering in the ACT during (i) 2004-05 to date, (ii) 2003-04 and (iii) 2002-03;
- (2) Who, besides Urban Services inspectors, can issue infringement notices for littering in the ACT;
- (3) How many official inspectors, dedicated to watching out for littering in the ACT, are employed or rostered on, on a daily basis;
- (4) If there are no inspectors specifically dedicated to this task, why not.

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

- | | | | |
|-----|----|----------------|---------------------------|
| (1) | a) | individuals | |
| | | (i) | 2004-05 to date 8 |
| | | (ii) | 2003-04 37 |
| | | (iii) | 2002-03 64 |
| | b) | companies | |
| | | (i) | 2004-05 to date 8 |
| | | (ii) | 2003-04 18 |
| | | (iii) | 2002-03 15 |
| | c) | other | |
| | | Not applicable | |
- (2) Urban Services inspectors are the only personnel authorised under the Act to issue infringement notices in the ACT.
- (3) There are six City Rangers rostered on duty, on a daily basis.
- (4) Enforcement of littering is one of many regulatory activities the City Rangers are responsible for on a daily basis.

**Roads—Aikman Drive extension
(Question No 295)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 10 March 2005:

- (1) In relation to the recently completed extension of Aikman Drive from Emu Bank to the intersection of Eastern Valley Way and Cameron Avenue in Belconnen, what was the total (a) funding budgeted for this project and (b) expenditure on this project at completion;
- (2) If this completed project cost more than was budgeted, why;
- (3) Was this project completed in the forecast time for completion; if not, why not.

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

- (1) The total funding for the Aikman Drive Extension project was \$1.8m and the project has expended this budget.
- (2) No, the project was completed on budget.
- (3) Yes, the project was scheduled for completion in February 2005 and was opened by Mary Porter, MLA on 25 February 2005.

**Waste disposal—illegal dumping
(Question No 296)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 10 March 2005:

- (1) How many (a) individuals, (b) companies and (c) others have been fined or prosecuted for illegal waste dumping in the ACT during (i) 2004-05 to date, (ii) 2003-04 and (iii) 2002-03;
- (2) How many reports in total of illegal waste dumping in the above categories were made, including those which did not result in prosecutions or fines;
- (3) Is there any noticeable correlation between the cost of tip fees and the rates of illegal dumping of waste in the ACT; if so, what is the nature of that trend;
- (4) Are charitable organisations in the ACT required to pay for tip fees; if so, why, when often the rubbish for those charities accumulates as the result of inappropriate donations from people who are dumping unusable goods with the charity in order to avoid the cost of tip fees, thus placing the burden of the fees upon the charity.

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

- (1) Fines and Prosecutions for Illegal Dumping

	2004-05 to date	2003-04	2002-03
Individuals	7	29	57
Companies	1	9	10
Others	N/A	N/A	N/A

- (2) Unless a fine is issued, there is no distinction made between private and commercial illegal dumping. Therefore it is not possible to provide a breakdown on the total number of reports of illegal dumping. However for the three years in question the following applies:

	2004-05 to date	2003-04	2002-03
Total number of reports of illegal dumping	416	443	559

- (3) No.
- (4) Charities in the ACT can apply for an exemption from landfill charges on the basis that they are non-profit, they don't compete directly with private sector business, they do not receive funding from either the Commonwealth or ACT Governments and the waste generated is associated with an established recycling process. I am advised that all charities with clothing bins in the ACT have applied for and received exemptions from landfill fees for unwanted materials left with the charities.

Policing—calls (Question No 297)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 10 March 2005:

- (1) How many phone calls have been received to the 131 444 police communications line (a) to date in 2004-05 and (b) 2003-04;

- (2) What is the suburb by suburb breakdown of calls for (a) and (b) above;
- (3) For each call that was received and assistance was required, how many occasions was a car and officer sent to investigate;
- (4) On how many occasions when a car and officer should have been despatched was it unable to do so due to lack of police vehicles of manpower or other reasons.

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

- (1)(a) There were 56 123 calls to 131 444 during the period July 2004 to February 2005.
 - (b) There were 78 759 calls to 131 444 during the period July 2003 to June 2004.
 - (2)(a) This information is not recorded.
 - (b) This information is not recorded.
 - (3) As data is not recorded on the source of each call attended, this is unable to be supplied. ACT Policing provides a response to calls using a four-tier response system, and patrols are allocated to incidents as required.
 - (4) As data is not recorded on the source of each call attended, this is unable to be supplied. ACT Policing provides a response to calls using a four-tier response system, and patrols are allocated to incidents as required.
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Roads—Ginninderra Drive (Question No 298)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 15 March 2005:

- (1) What is the purpose of the stone wall recently constructed at the intersection of Coulter and Ginninderra Drives;
- (2) Was any notice given to residents;
- (3) What is the cost of construction of the wall to date;
- (4) How was the tender process undertaken and which company was awarded the contract;
- (5) Are any further works planned in relation to these building works; if so, what is the projected cost.

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

- (1) The stone wall constructed to the north east of the intersection of Coulter and Ginninderra Drives is associated with the Lake Ginninderra Dam Protection Measures project. A range of measures have been constructed to protect the dam in the Probable Maximum Flood event. This flood event has a very low probability of ever occurring, approximately once in 500,000 years, however as the dam is classified as a large dam it should be protected against this event. The rainfall data used to calculate the flood associated with this event has been revised since the dam was constructed in 1971 and the

works are in response to the new requirements. The stone wall itself forms part of a channel to direct any spill flow into Ginninderra Creek in the very unlikely event that the new crest wall constructed along the median of Ginninderra Drive is overtopped.

- (2) Notice was not directly given to residents however the project was publicised through an article in the Chronicle on 11 June 2004 and a sign explaining the project was also placed near the works.
- (3) The channel is part of the works associated with the Lake Ginninderra Dam Protection Measures construction contract. The total contract value is \$947,278.00.
- (4) The construction contract was competitively tendered and awarded to Dale and Hitchcock Civil Engineering and Landscaping Pty Ltd.
- (5) The other works that have been constructed as part of the Lake Ginninderra Dam Protection Measures project include a crest wall along the median of Ginninderra Drive to improve dam safety against overtopping and a raised Coulter Drive levee to protect Florey from dam diverted spills. The works have been constructed as part of the \$947,278.00 contract sum.

Business—China delegation (Question No 299)

Mr Smyth asked the Chief Minister, upon notice, on 15 March 2005:

- (1) Further to the Business Delegations to China and the UK in March 2004 which were led by the Chief Minister, why did the then Functions Coordinator, Chief Minister's Support, Cabinet Office, described in the relevant travel report as "Executive Assistant", spend two days in Hong Kong before joining the Delegation to the UK;
- (2) What official duties did the Functions Coordinator/Executive Assistant perform while in Hong Kong;
- (3) Why did the Government pay for the Functions Coordinator/Executive Assistant's accommodation in the Kowloon Hotel in Hong Kong;
- (4) Why did the Functions Coordinator/Executive Assistant stay in 4 star accommodation instead of 3.5 star accommodation as required by *Public Sector Management Standard No. 6, Part 2, Travel – Domestic and International and the CMD Guidelines for Corporate Travel and Related Services*.

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

- (1) The Functions Coordinator was on leave in Hong Kong while she awaited the arrival of the Chief Minister and other members of the Delegation from China.
- (2) See (1) above
- (3) The Government did not pay for the Function Coordinator's Hong Kong accommodation. She was on leave and met all her own personal expenses

- (4) The reasoning for the Functions Coordinator's choice of accommodation while on leave are personal. The question involves a serious invasion of her privacy to which the Government will not be a party

Environment and conservation—weed control (Question No 300)

Mrs Dunne asked the Minister for the Environment, upon notice, on 15 March 2005, (redirected to the Minister for Urban Services):

How much money was (a) allocated for and (b) spent on weed control in the ACT in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004-2005.

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

The information provided below relates to allocations and expenditure by ACT Government agencies only. No information is available for Commonwealth agencies or private land managers.

2002 - 2003		2003 - 2004		2004 - 2005	
ALLOCATED	SPENT	ALLOCATED	SPENT	ALLOCATED	SPENT
\$816,000	\$688,000	\$1,093,000	\$1,149,000	\$1,068,000	\$920,000

Environment and conservation—noise complaints (Question No 301)

Mrs Dunne asked the Minister for the Environment, upon notice, on 15 March 2005:

- (1) How many noise complaints were received by the Environment Protection Authority in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (2) What is the breakdown (a) of reasons for and (b) by suburb of, complaints received by the Environment Protection Authority in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004-2005 to date;
- (3) How many warnings were issued by the Environment Protection Authority in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (4) What is the breakdown (a) of reasons for and (b) by suburb of, warnings issued by the Environment Protection Authority in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004-2005 to date;
- (5) How many court actions were issued against noise polluters in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (6) How many noise complaints about construction noise have been received from residents in town centre apartment buildings in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date.

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

- (1) The number of noise complaints received by the Environment Protection Authority in:
- 2002-2003 was 340;
 - 2003-2004 was 399; and
 - 2004-2005 to date is 231.
- (2) (a) Noise complaints received by the Environment Protection Authority are not categorised by the particular source of noise.
- (b) Records of the suburbs from which complaints were received by the Environment Protection Authority in (i) 2002-2003, (ii) 2003-2004 and (iii) 2004-2005 to date are set out in Attachments 1, 2 and 3 respectively.
- (3) The Environment Protection Authority in:
- 2002-2003 issued 18 warnings about excessive noise;
 - 2003-2004 issued 19 warnings about excessive noise; and
 - 2004-2005 to date; has issued 30 warnings about excessive noise.
- (4) The reasons for the warnings issued by the Environment Protection Authority for emitting excessive noise and the suburbs in which the noise emissions occurred in 2002-2003 and 2003-2004 are at Attachment 4 and in 2004-2005 to date are at Attachment 5.
- (5) In the year:
- 2002-2003 there were no court actions against noise polluters;
 - 2003-2004 there was one court action against a noise a polluter; and
 - 2004-2005 to date there has been no court action against a noise polluter.
- (6) The number of complaints received by the Environment Protection Authority, about construction noise, from residents in town centre apartment buildings in:
- 2002-2003 was zero;
 - 2003-2004 was zero; and
 - 2004-2005 to date is one.

ATTACHMENT 1

**Notice Paper of 15 March 2005
Question No. 301**

2002-2003

SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
AINSLIE	3	GARRAN	2	MITCHELL	1
AMAROO	6	GILMORE	2	MONASH	5
BANKS	4	GIRALANG	2	NARRABUNDAH	1
BARTON	1	GORDON	1	NGUNNAWAL	17
BELCONNEN	10	GOWRIE	1	NICHOLLS	4
BRADDON	5	GREENWAY	1	NICHOLS	1
BRUCE	5	GRIFFITH	4	O'CONNOR	7
CALWELL	4	GUNGAHLIN	1	O'MALLEY	2
CAMPBELL	4	HACKETT	2	OXLEY	1
CANBERRA CITY	13	HIGGINS	4	PAGE	2
CHAPMAN	8	HOLDER	1	PALMERSTON	3
CHARNWOOD	7	HOLT	9	PARKS	1
CHIFLEY	2	HUGHES	2	PEARCE	1
CHISHOLM	5	HUME	5	PHILLIP	2
CONDER	3	ISAACS	1	QUEANBEYAN	3
COOK	8	ISABELLA PLAINS	1	RED HILL	3

CURTIN	1	JERRABOMBERRA	1	RICHARDSON	2
DEAKIN	3	KALEEN	3	RIVETT	2
DICKSON	2	KAMBAH	8	SCULLIN	2
DOWNER	5	KINGSTON	8	STIRLING	1
DUFFY	10	LATHAM	2	SYDNEY	1
DUNLOP	4	LYNEHAM	7	THEODORE	3
EVATT	5	LYONS	4	TURNER	12
FADDEN	3	MACGREGOR	1	UNKNOWN	2
FARRER	3	MACQUARIE	2	WANNIASSA	3
FLOREY	4	MAJURA	3	WARAMANGA	2
FLYNN	4	MANUKA	3	WATSON	9
FORREST	4	MAWSON	2	WESTON	9
FRASER	2	MC KELLAR	1	WODEN	2
FYSHWICK	4	MELBA	6	YARRALUMLA	3

ATTACHMENT 2

**Notice Paper of 15 March 2005
Question No. 301**

2003-2004

SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
ACTION	4	FYSHWICK	5	MELBA	3
AINSLIE	4	GARRAN	1	MITCHELL	1
AMAROO	6	GILMORE	1	MONASH	4
BANKS	3	GIRALANG	3	NARRABUNDAH	6
BARTON	2	GORDON	7	NGUNNAWAL	11
BELCONNEN	12	GREENWAY	1	NICHOLLS	7
BONYTHON	2	GRIFFITH	7	O'CONNOR	7
BRADDON	4	GUNGAHLIN	3	O'MALLEY	1
BRUCE	1	HACKETT	3	PAGE	2
CALWELL	2	HALL	1	PALMERSTON	6
CAMPBELL	3	HAWKER	7	PEARCE	2
CANBERRA CITY	19	HIGGINS	6	PHILLIP	4
CHAPMAN	2	HOLDER	3	PIALLIGO	1
CHARNWOOD	4	HOLT	4	QUEANBEYAN	1
CHIFLEY	3	HUGHES	3	RED HILL	4
CHISHOLM	2	HUME	6	REID	2
CONDER	9	ISAACS	2	RICHARDSON	12
COOK	1	ISABELLA PLAINS	3	RIVETT	4
CURTIN	4	JERRABOMBERRA	2	SCULLIN	2
DEAKIN	5	KALEEN	8	SPENCE	2
DICKSON	3	KAMBAH	27	STIRLING	1
DOWNER	2	KINGSTON	5	SUTTON	1
DUFFY	6	LATHAM	2	SWINGER HILL	1
DUNLOP	6	LYNEHAM	7	THEODORE	2
EVATT	4	LYONS	6	TUGGERNONG	2
FADDEN	5	MACARTHUR	4	TURNER	7
FARRER	5	MACGREGOR	1	WANNIASSA	8
FISHER	1	MACQUARIE	4	WATSON	12
FLYNN	3	MAJURA	6	WEETANGERA	1
FORREST	6	MAWSON	1	WESTON	5
		MC KELLAR	1	WODEN	2
				YARRALUMLA	5

ATTACHMENT 3

**Notice Paper of 15 March 2005
Question No. 301**

2004-2005					
SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
AINSLIE	4	FARRER	1	MAWSON	1
AMAROO	1	FISHER	1	MCKELLAR	1
ARANDA	1	FLOREY	3	MELBA	3
BANKS	3	FLYNN	3	MITCHELL	7
BARTON	1	FORREST	1	MONASH	2
BELCONNEN	2	FYSHWICK	4	NGUNNAWAL	6
BONYTHON	2	GARRAN	2	O'CONNOR	8
BRADDON	6	GILMORE	1	OXLEY	4
BRUCE	4	GIRALANG	5	PAGE	1
CALWELL	1	GORDON	4	PALMERSTON	2
CAMPBELL	3	GOWRIE	3	PEARCE	1
CANBERRA CITY	4	GRIFFITH	6	PHILLIP	2
CHARNWOOD	2	GUNGAHLIN	1	RED HILL	1
CHIFLEY	2	HACKETT	2	REID	2
CHISHOLM	1	HAWKER	2	RICHARDSON	1
CONDER	2	HIGGINS	1	RIVETT	1
COOK	1	HOLT	5	SCULLIN	3
CURTIN	2	HUGHES	1	SPENCE	2
DEAKIN	5	HUME	5	SWINGER HILL	1
DICKSON	1	ISABELLA PLAINS	4	TURNER	2
DOWNER	1	KALEEN	5	UNKNOWN	1
DUFFY	7	KAMBAH	15	WANNIASSA	9
DUNLOP	5	KINGSTON	10	WATSON	4
EVATT	1	LATHAM	1	WEETANGERA	1
FADDEN	4	LYNEHAM	3	WESTON	1
		LYONS	3	YARRALUMLA	3
		MACGREGOR	2		

ATTACHMENT 4

**Notice Paper of 15 March 2005
Question No. 301**

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2002-2003.

Suburb	Noise Source/Noise Type		
	Amplified Music	Building Work	Air conditioner/Fans/Heaters
Dunlop			
Erindale	1		1
Fadden	2		
Forest	1		2
Kambah	2		1
Kingston	3		
Lyneham	1		
Ngunnawal	1	1	
Palmerston	1		
Swinger Hill			
Watson	1		
Yarralumla			

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2003-2004.

Suburb	Noise Source/Noise Type		
	Amplified Music	Building Work	Air conditioner/Fans/Heaters
Amaroo			2
Civic	2		
Conder			1
Downer	1		
Griffith			1
Kambah	3		
Kingston	1		
Lyons	1		
Ngunnawa	1		1
Nicholls	1		
O'Connor	1		
Wanniassa			1
Warramanga	1		
Yarralumla			1

ATTACHMENT 5

Notice Paper of 15 March 2005 Question No. 301

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2004-2005 to date.

Suburb	Noise Source/Noise Type			
	Amplified Music	Building Work	Air conditioner/Fans/Heaters	Waste Collection
Ainslie	1			
Aranda		3		
Belconnen	1			
Chisholm	3			
Civic	1		1	
Dunlop	1			
Forrest	1	3		
Giralang	2			
Gordon	2			
Griffith Centre	1			
Hackett	1			
Hawker			1	
Higgins	1			
Kaleen			1	
Kambah				1
Lyons	1			
Monash	1			
O'Connor	1			
Page	1			
Wanniassa	1			

**Graffiti—complaints
(Question No 302)**

Mrs Dunne asked the Minister for Urban Services, upon notice, on 15 March 2005:

- (1) Further to the reply to question on notice No 124 in relation to graffiti, how long was the fax transmission line malfunctioning;
- (2) When was the malfunction first noted;
- (3) How long did the malfunction take to repair;
- (4) How many complaints, excluding my own, were made to the Minister's office and on what days, in relation to the graffiti outside Sts Peter and Paul Primary School on Wisdom Street in Garran.

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

- (1) The transmission line was inoperative from approximately midday to 5.00 pm on November 29th 2004.
 - (2) The malfunction was first noted around midday on November 29th 2004.
 - (3) The repairs occurred after normal operating hours on the evening of November 29th. The fax line was functioning at the commencement of operations at 8.30 am the next day.
 - (4) Two other complaints were received at the minister's office. One on the 2nd of December and one on the 6th of December.
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**Roads—parking inspectors
(Question No 303)**

Mrs Dunne asked the Minister for Urban Services, upon notice, on 15 March 2005:

- (1) Further to the reply to question on notice No 125 in relation to trainee parking inspectors, why do identifying badges worn by trainee parking inspectors not identify their status regardless of the fact that they are not issuing infringements or exercising delegations.

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

- (1) There is no legislative or Departmental requirement to do so. There appears to be little benefit in trainee parking inspectors notifying their status to motorists when, as trainees, they have limited and supervised interaction with motorists.
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**Roads—Tharwa Drive
(Question No 306)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) In relation to Tharwa Drive between the roundabout at the junction of Drakeford Drive and Tharwa Drive, at least up to and including the junction with Box Hill Avenue at Banks, when will the ACT Government commit to this section of carriageway being upgraded from one lane each way, to two lanes each way, to cope not only with the increase in daily traffic due to growing development in the area, but in order to facilitate evacuation procedures in the event of a bushfire or other disaster;
- (2) Will funding be set aside in the 2005-06 budget for this upgrade; if not, why not.

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

- (1) A feasibility study considering the options for and costs associated with an upgrade of Tharwa Drive from Drakeford Drive to Box Hill Avenue has been included in the draft 2005/06 Capital Works Program.
- (2) While no funds will be set aside for construction of any upgrade work on Tharwa Drive in the 2005/06 budget, funding to undertake a feasibility study covering an upgrade of Tharwa Drive will be sought in the 2005/06 budget, subject to the normal budget considerations and approval by the ACT Legislative Assembly.

Rallying—complaints (Question No 309)

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) Have complaints been made to ACTPLA and DUS in relation to alleged highly disturbing, disruptive and extremely noisy activities undertaken by the Subaru Rally Team on a regular and ongoing basis at a residence in Kambah and the unacceptable and possibly illegal (breach of residential land use policy) activities; if so, what has been done by the ACT Government or its agencies to address the problem;
- (2) Have the perpetrators of this activity been warned or fined; if so, when and what was the nature of the offence;
- (3) Is this type of activity generally permitted in suburban residential areas, for example large numbers of cars, trucks and groups of people coming and going, testing of racing cars, maintaining a large scale racing car/motor workshop and the operation of such activities from early hours of the morning until late at night; if so, under what circumstances is this allowed and to what level of activity is this confined;
- (4) Is it the case that the use of residential land for the purposes of carrying on a profession, trade, occupation or other activity must not cause any noticeable adverse impact on neighbours in the area; if so, why has 'Team Subaru' been allowed to carry on its disruptive activities in this area for a such long period of time without having to comply with these requirements despite the workshop being located only some two to three metres from a neighbour's living room and despite being reported on several occasions to the relevant agencies;
- (5) What action has been or will be taken by the ACT Government in relation to this matter to ensure that nearby residents are once again able to comfortably enjoy the peace and amenity of their residences.

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

I understand the information is being made available through the Minister for Planning.

**Emergency services—fire tankers
(Question No 310)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 16 March 2005:

- (1) Are there currently, or have there been in any of the last three calendar years, any overweight fire tankers in service in the ACT; if so, how many have weighed in over the safety limit and when did these breaches occur;
- (2) How many of those tankers are currently in service and have their weights been reduced to the safety limit or below;
- (3) What has been done to ensure that fire tankers do not exceed their weight above the required safety limit;
- (4) How often are ACT fire tankers inspected to ensure they comply with weight safety requirements.

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

- (1) There are currently no overweight fire tankers, nor have there been in the last three calendar years;
 - (2) There are no overweight tankers in service in the ACT;
 - (3) All tankers are manufactured against detailed technical specification including requirements to ensure the tankers comply with Australian Design Rules and must not exceed the manufacturers Gross Vehicle Mass. The tankers are tested prior to acceptance by the Authority to ensure compliance with the specification. All tankers have a common inventory and individual Brigades are not authorised to alter the inventory without approval from Rural Fire Service Management, therefore, ensuring compliance with all weight limitations;
 - (4) All tankers have an annual safety inspection prior to the renewal of registration. There is no requirement to re-weigh tankers after the initial registration. Please refer to answer 3.
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**Cycling—infringements
(Question No 311)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) How many cyclists in the ACT, both on and off-road, have been fined or prosecuted during (a) 2002-03, (b) 2003-04 and (c) 2004-05 to date for (i) failing to wear a safety helmet, (ii) failing to have adequate lighting and (iii) breaking any other road or traffic rules.

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

- (1) (a),(b) and (c) Table 1 - Number of Traffic Infringements Notices issued where vehicle type is a bicycle by date of offence and type of violation from 2002 to 20 March 2005

Violation	2002-03	2003-04	2004-05 to date
Failing to wear a safety helmet	72	46	18
Failing to have adequate lighting	6	6	1
Breaking other road or traffic rules	10	13	3
Total	88	65	22

Source: **BRIO Autocite** as at 24 March 2005

* These figures include notices issued where the passenger was not wearing a safety helmet or where the bicycle did not have a working warning device.

During 2002 -2005, ACT Policing issued 105 cautions to cyclists in relation to the various offences and made five apprehensions for failing to wear a safety helmet. Data cannot be extracted in response to apprehensions for questions (ii) and (iii) as these offences are not recorded in such a way that cyclists can be readily distinguished from other road users.

Environment and conservation—watering of public spaces (Question No 313)

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) Which parks, playing fields, and other public spaces in the ACT are now being watered by the ACT Government that were previously not being watered under Stage 3 restrictions;
- (2) How many such areas are now considered beyond repair due to die-off and thus watering will not re-commence for these urban assets and where are they located;
- (3) What has damage to such urban assets cost the ACT Government in terms of asset loss and what would each of these lost urban assets cost the ACT Government to replace or repair if such work could be undertaken.

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

- (1) Page Neighbourhood Oval and Downer Neighbourhood Oval are now being watered as they are the only two grounds that are capable of being brought back to a playable condition for the 2005 winter sport season. Some parkland areas such as lower priority areas in Town and District Parks, National or Significant Roads and Shopping Centres, have gone from no watering to a watering regime equivalent to approximately 50% of normal rates.
- (2) No areas are considered beyond repair and when water restrictions are lifted and weather conditions are favourable restoration work will be carried out.
- (3) There has been no loss of assets, with their condition temporarily degraded while affected by the water restrictions. Areas affected by Level 3 restrictions totalled 117 hectares of

parkland and 63 hectares of sportsgrounds. Repair costs will be up to \$10,000 per hectare, depending on the degree of deterioration.

Transport—taxi licences (Question No 314)

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) In relation to the suspension of approximately 22 ACT taxi driver licences by the ACT Road Transport Authority (RTA), how is it that these drivers were issued with taxi driving licences by the RTA despite not having held an Australian driving licence for the required 12 months;
- (2) What background checks were actually performed on each of these taxi drivers prior to the issuing of their licences;
- (3) When was this matter brought to the attention of the RTA and by whom;
- (4) When were suspension notices issued for each of the breaches of requirement;
- (5) What will now happen to the suspended drivers and will they be prosecuted for a breach of requirement;
- (6) What procedures did the RTA have in place for processing such licence requests in the past;
- (7) What will the new arrangements and procedures be for the issuing of such licences in the future.

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

- (1) Section 62 of the Road Transport (Driver Licensing) Regulation 2000 contains the eligibility criteria for the issue of a public vehicle driver licence. Subsection 62 (3) (h) requires the applicant for a taxi licence to hold a provisional or full car licence, or a driver licence of a higher class, and to have held such a licence for at least 1 year.

This section was interpreted as including a licence from another country. However, the dictionary in the Road Transport (Driver Licensing) Act 1999 defines a driver licence as a licence issued under this Act authorising the holder to drive a motor vehicle on a road or road related area. Section 11 of the Act provides for mutual recognition of Australian Driver licences.

- (2) Each applicant was required to meet the following criteria:
 - Demonstrate they have the skills to drive a taxi;
 - Be a suitable person to hold a taxi licence. This is verified by a police character check;
 - Be medically fit; and
 - Successfully complete an approved driver training course.
- (3) The matter was brought to the attention of the RTA in October 2004 when Canberra Cabs raised concerns that one driver had not held an Australian driver licence for at least 1 Year.

- (4) Each of the licence holders have had their taxi driver licence cancelled. The cancellation notices were issued progressively as each of the drivers were identified. The cancellation notice advised the date of cancellation that was not more than 14 days from the date of the notification. The last cancellation date being 17 March 2005.
 - (5) Each of the drivers will be able to re-apply for a taxi driver licence once they have held an Australian driver licence for at least 1 year. No prosecution action will be taken against any of the drivers.
 - (6) In the past applicants had their medical reports and police character checks assessed by the Registration and Licence Section of the RTA. Customer service officers at shopfront counters assessed other criteria.
 - (7) Under the new arrangements the Registration and Licence Section will assess all public vehicle licence applications. Once the applicant has met all criteria for the issue of a public vehicle licence they will be sent a letter advising their application has been approved and they are able to attend a shopfront to have the licence issued.
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**Horse Farms—agistment agreement
(Question No 315)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) In relation to ACT Horse Farms, were horse owners notified by ACT Horse Farms, during several periods of very hot days in February this year, that there was a problem with a shortage of water for horses held in a number of paddocks at the Parkwood complex; if not, why not;
- (2) Was there a sign placed on the communal notice-board by ACT Horse Farms to advise owners of the problem; if not, why not;
- (3) Was a sign placed on the notice-board during this time warning owners that horses left in Paddock 8, a paddock with water, since the recent paddock rotation would be fined if they were not moved to a new paddock, one without water; if so, why;
- (4) Were horses in several paddocks left for periods of days without water during the hot summer; if so, why;
- (5) Did Horse Farms breach its agistment agreement in relation to the above; if so, how;
- (6) Has there been a loss of confidence of horse owners to leave their horses at these paddocks in the future without any assurance that horses will not suffer any future distress through lack of essential services.

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

- (1) The period was from late Tuesday to late morning Wednesday. While horses do require continuous access to water this single episode of having no water for approximately 14 hours is not in any way injurious or health threatening to the horses. Particularly as the majority of the period with no water was during night when horses normally consume the least amount of water due to lower temperatures and sleep periods. During February the water supply to Parkwood was disrupted for less than 1 day. During this period Horse

Farms advised horse owners verbally to move their horses to paddock 8 when it became known, that, there were water supply problems in paddock 7.

- (2) No. As the disruption to water supply was for a short period only, verbal advice was considered the most appropriate action in advising horse owners of the lack of water. Verbal advice is readily or quickly passed through the client network as many clients do not read the notice board each day nor do they attend to their horses every day.
- (3) The reference to the fining system with regard to the water being tuned off for the half-day period is a misrepresentation of the reason and use of this process. Horse Farms permitted horse owners to graze their horses in paddock 8 until the water problem was rectified. Several days later up to 15 horses had failed to be relocated back into paddock 7. Horse Farms identified those horses and attempts were made to contact their owners to request they be moved back into paddock 7. In accordance with established paddock rules Horse Farms placed a notice on the paddock notice board informing horse owners with horses still in paddock 8 that unless they move their horses to the correct paddock they would be fined a late movement fee.
- (4) No.
- (5) No.
- (6) No.

Housing—loan repayments (Question No 316)

Mr Smyth asked the Treasurer, upon notice, on 16 March 2005:

- (1) What procedures does the ACT Revenue Office undertake when people paying off a government housing loan fall behind in their payments.

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

- (1) If a borrower falls behind in his or her payments, the ACT Revenue Office undertakes recovery action in accordance with existing debt recovery guidelines.

The borrower is requested in writing to repay the outstanding amount, or contact the ACT Revenue Office in order to discuss alternative repayment arrangements.

The ACT Home Loan Portfolio provides financial advice through arrangements with Care Financial Services where appropriate to assist clients.

Ultimately, if the borrower does not respond to the ACT Revenue Office's requests, the matter will be referred to the ACT Government Solicitor's Office for the commencement of legal action to recover the outstanding amount, which will end when:

- The amount of arrears is received; or
- The balance of the loan is written off because the cost of legal recovery exceeds the outstanding amount.

**Hospitals—overseas locum recruitment
(Question No 317)**

Mr Smyth asked the Minister for Health, upon notice, on 16 March 2005:

- (1) Is the Government still trying to recruit locums and doctors from overseas for The Canberra Hospital and Calvary Hospital; if not, why not;
- (2) How many (a) locums and (b) doctors were recruited from overseas to work at (i) The Canberra Hospital and (ii) Calvary Hospital in (A) 2004 and (B) 2005;
- (3) For the overseas (a) locums and (b) doctors recruited in 2004 and 2005 to date, what was the total cost of recruitment;
- (4) What countries did the overseas (a) locums and (b) doctors come from;
- (5) Have any of the qualifications of (a) locums and (b) doctors recruited from overseas in this Government recruitment campaign ever been questioned as being false or not entirely accurate; if so, on how many occasions and what action has been taken.

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

- (1) Both Calvary and The Canberra Hospital have been actively recruiting from overseas in the past and have been successful however at present we are not actively recruiting overseas. The 'Make a difference – Join ACT Health' DVD is distributed to Australian Consulates and Embassies overseas by ACT Health in which Calvary Health Care ACT and The Canberra Hospital is represented.

Overseas recruitment is conducted on a case by case basis for hard to recruit areas after positions have been exhaustively advertised within Australia without success.

(2)

(i) Calvary Hospital

(a) Locums

(A) 2004 - Nil used from overseas.

(B) 2005 – One locum used for a period of 2 weeks during January 2005.

(b) Doctors recruited

(A) 2004 – One Intensive Care Registrar recruited for a period of 12 months commencing July 2003.

(B) 2005 – Nil recruitment to date.

(ii) The Canberra Hospital

Junior Doctors

At present there are approximately 30 junior doctors from overseas working at The Canberra Hospital. All junior doctors are on temporary employment contracts and as such we do not distinguish between locums and doctors.

Senior Doctors

- (a) Locums
 - (A) **2004** – One staff specialist Neonatologist for a 4 week period.
 - (B) **2005** – Nil recruitment to date.
- (b) Doctors recruited
 - (A) **2004** – 2 Specialists
 - (B) **2005** – 3 Specialists

A number of doctors trained overseas and domiciled in Australia apply for advertised positions and are not included in this response.

(3)

Calvary Hospital:

- (a) Locums \$2,772.00
- (b) Doctors recruited \$13,458.60

The Canberra Hospital:

- (a) Locums \$6,000 (approx)
- (b) Doctors recruited \$80,000 (approx)

The above figures for Doctors relate to fees paid to recruitment agencies.

(4)

Locums – New Zealand, United Kingdom
Doctors recruited – South Africa, United Kingdom, India and Germany.

Many other doctors originate from Ireland, Phillipines, Iran, Iraq, Poland, Libya, China, Pakistan, Nepal, Sri Lanka, Colombia, Canada, Oman and Bangladesh although there has been no active recruitment in these countries.

- (5) Verification of doctors qualifications, references and documentation follow strict procedures that are identical to those required for Australian qualified doctors. Calvary and The Canberra Hospitals only appoint doctors who meet the registration requirements set by the ACT Medical Board. From time to time ACT Health questions the validity of documentation provided by doctors prior to appointment, and all such matters are fully investigated in conjunction with the ACT Medical Board.

**Women—action plan
(Question No 320)**

Mrs Burke asked the Chief Minister, upon notice, on 16 March 2005, (redirected to the Minister for Women):

In relation to the ACT Women's Action Plan 2004-05, what are the gender analysis tools to support policy makers when considering acknowledging women's issues.

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

The development of gender analysis tools to support policy makers is not identified in the Action Plan as a specific action for 2004-05, but as an action to be developed in the future.

**Housing ACT—staff
(Question No 327)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 16 March 2005:

- (1) What mechanisms and opportunities do all staff at Housing ACT, between the Administrative Service Officer 1 and 6 levels, have to provide feedback to senior management between the levels of Senior Officer Grade C and A;
- (2) What steps are then taken to provide a response to the feedback provided by staff to senior management.

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

- (1) It is an ACT Public Service wide requirement to enter into Performance Agreements with all staff which enables managers to evaluate staff performance. In this context staff are given the opportunity to raise issues of concern with their manager.

In Housing ACT staff are given the opportunity to raise issues at regular staff meetings and by other mechanisms such as:

- specific issues forums; and
- comments on draft policy and procedure papers.

- (2) The steps taken vary according to the nature of the feedback.

**Finance—act of grace payments
(Question No 328)**

Mr Smyth asked the Treasurer, upon notice, on 17 March 2005:

- (1) On how many occasions in (a) 2003-04 and (b) 2004-05 to date have act of grace payments been authorised and paid by Treasury;
- (2) What are the reasons for each act of grace payment in (a) and (b) above.

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

- (1) (a) The Member is referred to the Department of Treasury Annual Report 2003-2004 Volume 2, page 78, Notes 47 and 48 (<http://www.treasury.act.gov.au/documents.html>). In addition, Treasury authorised three payments, funded by ACT Health.
- (1) (b) 43 payments. In addition, Treasury authorised two payments, one funded by the Office for Children, Youth and Family Support and the other from public money.
- (2) The Act of Grace payments in 2003-04 relate to the reimbursement of and / or payment of: debits tax paid by a credit union on accounts held by non-ACT residents; debits tax on payroll fund accounts; motor vehicle duties, rates, land tax and conveyance charges paid by victims of the 2003 bushfire; and rates paid by pensioners; an at-risk remuneration supplement to an executive officer; and supply of oxygen to patients. A more detailed list is attached.

The Act of Grace payments in 2004-05 relate to the reimbursement of and / or payment of: debits tax paid by a credit union on accounts held by non-ACT residents; debits tax on payroll fund accounts; motor vehicle duties, rates, land tax and conveyance charges paid by victims of the 2003 Bushfire; first home owner grant; first home owners concession; and negotiated settlements of legal matters. A more detailed list is attached.

Tax	Date	Reason (multiple rebates may be approved by one instrument)
Conveyance	04/07/2003	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Debits Tax	10/07/2003	Rebate to Credit Union Customers
Debits Tax	10/07/2003	Rebate to Credit Union Customers
Debits Tax	15/07/2003	Rebate to Credit Union Customers
Debits Tax	15/07/2003	Rebate to Credit Union Customers
Rates	24/07/2003	Consolidated amount for Bushfire
Motor Vehicle	28/07/2003	Bushfire
Motor Vehicle	28/07/2003	Bushfire
Motor Vehicle	28/07/2003	Bushfire
Conveyance	31/07/2003	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Debits Tax	31/07/2003	Rebate to Credit Union Customers
Debits Tax	31/07/2003	Rebate to Credit Union Customers
Debits Tax	31/07/2003	Rebate to Credit Union Customers
Debits Tax	31/07/2003	Rebate to Credit Union Customers
Debits Tax	31/07/2003	Rebate to Credit Union Customers
Conveyance	07/08/2003	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Conveyance	08/08/2003	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Debits Tax	20/08/2003	Rebate to Credit Union Customers
Debits Tax	20/08/2003	Rebate to Credit Union Customers
Debits Tax	20/08/2003	Rebate to Credit Union Customers
Debits Tax	20/08/2003	Rebate to Credit Union Customers
Debits Tax	20/08/2003	Rebate to Credit Union Customers
Debits Tax	28/08/2003	Refund on payroll fund accounts for May/June/July 2003
Debits Tax	25/09/2003	Rebate to Credit Union Customers
Motor Vehicle	28/10/2003	Diplomat
Debits Tax	30/10/2003	Amount covers debits tax incurred by a Credit Union for the period 13 Nov 2002 - 31 July 2003
Debits Tax	31/10/2003	Rebate to Credit Union Customers
Executive Remuneration	06/11/2003	Payment of at risk remuneration
Rates	06/11/2003	Bushfires
Debits Tax	19/11/2003	Rebate to Credit Union Customers
Debits Tax	19/11/2003	Refund on payroll fund accounts for Aug/Sep/Oct 2003
Debits Tax	01/12/2003	Amount incurred by a Credit Union for Aug/Sept/Oct 2003
Debits Tax	16/12/2003	Amount incurred by a Credit Union for December 2003
Debits Tax	14/01/2004	Amount incurred by a Credit Union for Dec 2003
Debits Tax	12/02/2004	Amount incurred by a Credit Union for February 2004
Land Tax	19/02/2004	Bushfire
Land Tax	19/02/2004	Bushfire
Rates	19/02/2004	Consolidated amount for Bushfire
Motor Vehicle	03/03/2004	Bushfire
Debits Tax	11/03/2004	Amount incurred by a Credit Union for January 2004
Debits Tax	19/04/2004	Amount incurred by a Credit Union for Mar 2004
Debits Tax	12/05/2004	Amount incurred by a Credit Union for April 2004
Debits Tax	25/05/2004	Amount incurred on payroll fund accounts for Feb/Mar/Apr 2004
Debits Tax	15/06/2004	Amount incurred by a Credit Union for May 2004
Rates	23/06/2004	Pensioner Rebate
Conveyance	02/07/2004	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires

Conveyance	19/07/2004	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Debits Tax	19/07/2004	Amount incurred by Credit Union for June 2004
Debits Tax	03/08/2004	Rebate to Credit Union Customers
Debits Tax	16/08/2004	Amount incurred by Credit Union for July 2004
Debits Tax	26/08/2004	Rebate to Credit Union Customers
Debits Tax	01/09/2004	Refund on payroll fund accounts for May/June/July 2004
Debits Tax	14/09/2004	Rebate to Credit Union Customers
Debits Tax	15/09/2004	Amount incurred by a Credit Union for August 2004
Debits Tax	20/10/2004	Amount incurred by Credit Union
Debits Tax	12/11/2004	Amount incurred by Credit Union
Debits Tax	12/11/2004	Rebate to Credit Union Customers
Home Concession	29/11/2004	Income Tested
Home Concession	08/12/2004	Income Tested
Home Concession	08/12/2004	Income Tested
Conveyance	13/12/2004	Duty paid on the purchase of a land/house to replace a home that was destroyed by the Bushfires
Debits Tax	01/01/2005	Amount incurred by Credit Union
Debits Tax	09/02/2005	Amount incurred by Credit Union
Debits Tax	23/02/2005	Refund on payroll fund accounts
Debits Tax	09/03/2005	Amount incurred by Credit Union
FHOG	11/03/2005	Development not completed within timeframe as set out in contract
Debits Tax	14/03/2005	Amount incurred by a Credit Union for February 2005
Debits Tax	16/03/2005	Amount incurred by Credit Union
Objection Fees	30/03/2005	Objection fee refund for First Home Owner Grant

Agency / Public Funded - Authorised by Treasury		
ACT Health	12/03/2004	Supply of oxygen to patients
ACT Health	03/05/2004	Supply of oxygen to patients
ACT Health	03/05/2004	Supply of oxygen to patients
OCYFS	07/07/2004	Negotiated settlement
Public Money	10/11/2004	Negotiated settlement

Canberra Institute of Technology (Question No 334)

Mrs Burke asked the Minister for Education and Training, upon notice, on 17 March 2005:

What efforts are being made by the ACT Government to assist the Canberra Institute of Technology to reinstate the Diploma of Interpreting (AUSLAN).

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

- (1) This Diploma continues to remain within the Canberra Institute of Technology (CIT) range of current curricula and therefore any future delivery of the program will not require reinstatement.

The ACT Government has supported CIT previously to conduct this Diploma and will continue to do so as soon as student numbers are sufficient and qualified staff become available. Training and Adult Education (TAE) Branch within the Department of Education and Training remains committed to funding this Special Purpose Program as soon as current circumstances improve. This is not, however, expected in the near future.

**Nursing homes—disabled residents
(Question No 336)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 17 March 2005:

- (1) How many people with any form of disability under the age of 60 were residing in nursing homes in Canberra as at the end of February 2005, due to no alternative methods of care being available to them;
- (2) What additional forms of support are being offered to those with a disability living in a nursing home from departmental services of Disability ACT.

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

- (1) Australian Government figures indicate that there were 9 people between the ages of 45 and 54 and a further 7 individuals aged between 54 and 59, making a total of 16 under the age of 60, living in nursing homes in the ACT as at the end of February 2005. The reasons for those living arrangements are many and various.
 - (2) There are no services provided directly to people with disabilities in nursing homes by Disability ACT.
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**Children—autistic
(Question No 337)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 17 March 2005:

What assistance is being offered by Therapy ACT to Ms Amanda Martynow, a Housing ACT tenant residing in Red Hill, to cope with the specific needs of her autistic child.

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

Due to provisions set out in the Privacy Act 1988 (Commonwealth), I am unable to provide details about Ms Martynow.

**Housing—disputes
(Question No 338)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 17 March 2005:

- (1) How many cases of tenant disputes or neighbourhood confrontations has Housing ACT referred to the Conflict Resolution Service (CRS) in (a) 2002, (b) 2003, (c) 2004 and (d) 2005 year to date;

- (2) How does Housing ACT track the progress of any cases it refers to CRS and does it implement any information or recommendations offered by CRS on cases involving Housing ACT tenants.

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

- (1) As Housing ACT does not formally refer tenants to the CRS, no statistics are available.
 - (2) See above.
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National Multicultural Festival (Question No 339)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 17 March 2005:

- (1) From which organisations did the Government receive additional funds as donations to assist in the funding of any activities at the National Multicultural Festival in 2005, in addition to ACT Government support of \$427 000;
- (2) How much was received from each of the organisations as donations to support the Festival in 2005;
- (3) How were the funds sourced from donations utilised to organise and implement the events at the 2005 National Multicultural Festival.

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

- (1-2) Fyshwick Fresh Food Markets - (\$33,000);
ActewAGL - (\$10,000);
Labour Club - (\$2,500); and
Australian Amusements Management Pty Ltd - (\$10,000).
 - (3) The sponsorship funds were used to meet costs associated with staging the overall Festival program of events.
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Freedom of information requests (Question No 340)

Mrs Dunne asked the Chief Minister, upon notice, on 5 April 2005:

- (1) What is the total number of Freedom of Information requests received by ACT Government departments and agencies for (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (2) What is the breakdown of requests amongst ACT Government departments and agencies for (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;
- (3) What is the month by month breakdown of requests amongst ACT Government departments and agencies for (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005 to date;

- (4) Have any ACT Government departments or agencies been found to not be complying with their obligations in meeting requests; if so, what action has been taken to ensure that these departments or agencies do comply with their obligations.

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

- (1) Details of the number of Freedom of Information requests are reported in annual reports each year. Consolidated information is provided in the report of the Department of Justice and Community Safety.
- (2) As above. Figures for 2004-05 will be available in 2004-05 annual reports. Consolidated information is provided in the report of the Department of Justice and Community Safety.
- (3) Given annual figures are reported in agency annual reports, collection of more detailed month by month breakdowns is considered an unreasonable diversion of resources.
- (4) The *Freedom of Information Act 1989* provides for internal review and AAT review of decisions. Annual reports include details of internal review and AAT review requests, although these review requests or decisions do not necessarily reflect non-compliance with the Act. The Freedom of Information Act also provides for complaints to the Ombudsman about handling of requests by Government agencies. The Ombudsman reports on this in his annual report. The annual report of the Department of Justice and Community Safety also provides consolidated information on the number of days taken to process requests after receipt. The number of days taken does not necessarily reflect non-compliance with time limits. No other data is collected on compliance with the Act.

Ministerial councils (Question No 341)

Mrs Dunne asked the Chief Minister, upon notice, on 5 April 2005:

- (1) What ministerial councils do ACT Ministers belong to;
- (2) What meetings of these councils have been held since the formation of the 6th Assembly and where were they held;
- (3) What meetings were (a) attended and (b) not attended and why;
- (4) Have any meetings been scheduled and then called off; if so, why;
- (5) What meetings are scheduled in the next six months.

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

- (1) 1. Community and Disability Services Ministers' Conference
2. Housing Ministers' Conference
3. Ministerial Council on Immigration and Multicultural Affairs
- (2) 1. Housing Minister's Conference, 3 December 2004, Adelaide.
2. Community and Disability Services Ministers' Conference, 11 March 2005, Melbourne

- (3) a) 1. Housing Minister's conference was attended by Ms Sandra Lambert, for the Minister for Disability, Housing and Community Services. Minister Hargreaves was attending functions for the International Day of People with Disabilities.
2. Community and Disability Services Ministers' Conference was attended by Minister Hargreaves.

(4) No.

- (5) The next meeting of the Ministerial Council on Immigration and Multicultural Affairs is scheduled for 13 May 2005 in Adelaide.

Community and Disability Services Minister's Conference is scheduled for July 2005.
The first joint meeting of Housing, Local Government and Planning Ministers is scheduled for 8 June 2005.

Housing Ministers' Conference is scheduled for 23 September 2005 (to be confirmed).
