



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

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**Friday, 6 May 2005**

**MR SPEAKER** (Mr Berry) took the chair at 9.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Legal Affairs—Standing Committee Statement by chair**

**MR STEFANIAK** (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Legal Affairs, performing the duties of a scrutiny of bills and subordinate legislation committee, in relation to the Rates Amendment Bill 2005.

This bill would amend the Rates Act 2004 to bring the calculation of rates liability for rural land into line with the method used to determine the rates liability for residential and commercial land. It would allow the inclusion of a fixed charge component into the formula used to calculate rates liability for rural land. The bill would also make rural land with an average unimproved land value of equal to or less than the rates-free threshold liable to the fixed charge component only.

The committee has examined the Rates Amendment Bill 2005 and offers no comment on it.

### **Long Service Leave Amendment Bill 2005**

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

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (9.32): I do not have a great deal more to add on this particular bill, but it is worth reflecting on the history of long service leave and the basis on which this provision came into being, because it in fact stems back to the 19th century for Victorian and South Australian civil servants. The provisions were that civil service officers who had completed at least 10 years service could be granted leave of absence with pay for periods of six or 12 months. The purpose of the leave was to reward those who had performed long and faithful service in the colonies by providing an opportunity for them to visit the United Kingdom.

I appreciate that the Minister for Planning is taking the opportunity to visit the United Kingdom, but I do not think it is on the basis of long service leave.

**MR SPEAKER**: Relevance.

**MR MULCAHY**: Yes, thank you, Mr Speaker, of course. All state and commonwealth public servants were subsequently granted the entitlement, and it was then gradually extended to other public sector employees. In fact, long service leave began to be included in federal awards by consent in the late 1940s, and it did not become a standard employment condition for all employees until the passage in the 1950s of long service leave legislation in all states.

It is worth reflecting that the purpose of such legislation, according to parliamentary debates prior to the introduction of the Long Service Leave Bill 1955 in New South Wales, was to reduce labour turnover, provide a reward for long and faithful service and enable employees halfway through their working life to recover their energies and to return to work renewed, refreshed and reinvigorated. The issue that obviously arises in relation to this legislation is that it seems to be moving more and more away from that and in a direction that fails to recognise that principle of rewarding long and faithful service to employees. Rather, it seeks to truncate that period of time, and I suspect it is moving in a general direction away from the established basis and principles that were behind long service leave.

Those who have an interest in the history of industrial relations will be aware that in 1964 the old Commonwealth Conciliation and Arbitration Commission arbitrated its first long service leave award to provide what became the standard provision for non-public service employees, which in that case was 13 weeks leave after 15 years service, with pro rata payment in lieu on termination of employment after 10 years service.

Various amendments and provisions of how entitlements should be addressed occurred through the states subsequent to that time. It is a complex area for employers. I have worked as a chief executive in a major industrial organisation and can say that it comes quite high up on the list of issues that employers raise. It would be wonderful to see a greater effort made towards simplifying methods of calculation. I was speaking the other night about this bill with someone whom I consider to be quite knowledgeable on employment arrangements. They were financially qualified, and even they had a difference of opinion with me as to the methods of calculation, because I think it is an area that defies the understanding of many payroll clerks, and even those who are better qualified.

Nevertheless, the issue of simplification is not on the table today. The issue is to extend these benefits to a greater group of employees in the private sector. As I have indicated earlier, these measures will be a cost to Canberra business. We have already seen costs incurred on Canberra business in relation to rates, with civic businesses incurring more as well. We have seen a constant string of new industrial relations obligations, all in the name of occupational health and safety or better conditions for employees. The plea I would make to the minister is: develop a better appreciation of the needs of the Canberra business community, call off the dogs for a period of time, let Canberra business get on its feet and understand that many of our businesses in Canberra are not large corporations; they are smaller businesses, they have a different financial base, they compete for contracts interstate, and they are having additional costs constantly imposed on them—not only the actual dollar cost, but also the administrative burden that is created by ensuring that they are in compliance with ACT law.

The minister chuckles at my suggestion that that is an issue, but in fact the number of prosecutions, fines and warnings that her officers, or the WorkCover officers, have issued in recent times suggest that many employers in Canberra struggle to be aware of their obligations. I certainly will not defend any employer who knowingly and willingly breaches acts that have been passed by the Assembly, but I am sympathetic, having worked with many small business people, to the fact that they often struggle to keep up with the pace of legislation in terms of the workplace. They are trying in many cases to

fund a business, to meet the costs and demands of banks and so forth, to meet their payroll to ensure that their employees are not displaced—and we saddle them with an increasing raft of rules and regulations that may be easy to accommodate if you are a large multinational or a major industrial employer but in the context of a small type business are difficult and are additional charges that impact on the capacity of people to bring others into the work force.

Many things that occur in small business are on an informal basis. They may not stand the test of legal scrutiny. The direction in this country seems to be towards more flexible arrangements, whereas this Assembly appears to be moving towards a far more regulated, controlled and centralised arrangement as determined by government. I do not think one size fits all. I think there is a strong basis for recognising that different industries have a different capacity to pay. That is one of the redeeming principles behind the industrial award system, so that those areas that have either unique problems or individual capacity can negotiate those with the two industrial partners involved in that industry. But every time a parliament steps in and creates a new industrial standard, it is obviously imposed on every employer, irrespective of their capacity to pay.

I am not suggesting that the measures here are necessarily going to lead to overnight financial ruination; I am not being that extreme. But I would counsel the minister and the government to understand that, every time these measures are added to the cost of doing business, it fuels a belief, which is now quite prevalent in Australia, that Canberra is not a great place to set up shop.

**MS MacDONALD** (Brindabella) (9.39): I am not surprised at the speeches that Mr Mulcahy gave yesterday and today. In fact, if Mr Mulcahy and his colleagues both here in the Assembly on the opposite side and in the business community had their way, we would all still be working in the salt mines and they would be living in their royal palaces, with us just there to do their bidding.

**Mr Gentleman:** Probably children in the mines.

**MS MacDONALD:** Yes, they would still have children in the salt mines. Mr Mulcahy made the comment—and this is often a comment that is made any time we look at introducing anything progressive in industrial relations—that business will collapse, they will not be able to cope with the strain and it is the end of the world. He has also made the comment that business will leave the ACT because of this extra impost on business. He says there are too many things going on and we cannot possibly have long service leave accessible after seven years for people in the private sector, because that is just not fair and really we should be looking at Queensland. It is interesting that Mr Mulcahy mentions Queensland, yet he does not mention New South Wales, where long service leave is accessible after five years.

Here we are talking about introducing pro rata long service leave after seven years in the ACT and Mr Mulcahy says it is the end of the world because everyone is going to leave—

**Mr Gentleman:** The sky will fall in.

**MS MacDONALD:** The sky is going to fall in and all the businesses in the ACT will collapse if they stay here because there is this terrible additional impost on employers; they cannot cope with having to factor in the long service leave provisions for seven years instead of 10, so they are all going to go across the border. But across the border they would have to do it after five years, so I find Mr Mulcahy's argument quite an interesting one.

I commend this bill. Members may or may not recall that in the Fifth Assembly I moved a motion to ask the government to look into the issue of portable long service leave in the territory. I know that that was an issue that stirred up quite a bit of controversy within the business community and it is not necessarily a thing that is easy to do. My argument then was, and remains, that employment conditions are changing. Long service leave has long been changing. Look at the construction industry or the cleaning industry. We have portable long service leave in these areas.

This amendment bill looks at people who work in the same industry year in, year out, but who have breaks because the work is of a seasonal nature, and it takes that into account. It is important to acknowledge that we have people out there who are giving their time, over lengthy periods, to the same employer or the same group of employers and yet, because of the nature of the employment, have no access to long service leave. Things are changing. The nature of employment is changing. We do not have people signing up for life to jobs any more, as a general rule. The estimations are for between five and seven jobs in a lifetime, and I think that is increasing as time goes on.

We as a society need to say; "Yes, how was it that long service leave came about in the first place?" Long service was introduced, as I understand it, as a result of people wanting to return to the mother country, England. The amount of time that was given in the first place took into account the amount of time that it would take to get on to a ship, travel back to England, see your family and then come back to Australia. We obviously do not need to get on a ship and travel back to England any more, but we do feel that it is important to provide those breaks in service that people need over time.

I believe there is a lot more that society needs to be doing to take into account the contribution that people make to society as a whole through their work. That is a discussion for the country that is not taking place at the moment. I would like to see it take place, but I think this bill addresses a number of the concerns about the changing nature of employment and that is a good thing.

**MR SMYTH** (Brindabella—Leader of the Opposition) (9.45): If, as Ms MacDonald says, this bill is addressing changing natures of concern about employment, let us have a changing nature of concern about employment bill rather than the ad hoc way in which this government continues to modify the Long Service Leave Act. It is the revisionist, light-on-the-hill Labor Party stuff that you see in the minister's speech that gives me great concern.

Ms MacDonald has just said that the reason we got long service leave originally was for a month on the boat, a month in the old country and a month on the boat back. But apparently that is not quite true. The government believes that long service is an important condition that is well established in Australian workplaces and that it

recognises the value of employees' corporate knowledge and the cost to industry of high staff turnover.

When it was put in place, there was no such thing as a high cost to industry of staff turnover, and it was not about the value of an employee's corporate knowledge. What these guys, the egalitarian party, seem to be suggesting is that, if you have got more corporate knowledge and you have got higher value corporate knowledge, you should be entitled to some sort of extra long service leave. The argument in that is just ridiculous. Go back to when it was brought in. It was about if you had been there for 10 years you got a reward for long service. That is what it is about: it is called "long service leave". It is not called "changing condition in workplace leave". It is about, "You've worked for me for 10 years. Thank you very much. Here's a bonus to have a holiday." But that is not what it is about now.

The minister said:

The challenge for government has been to develop amendments that balance the realities of the modern workplace against the underlying policy basis for long service leave and take into account the interests of all stakeholders.

So we have redefined what the underlying policy basis for long service is, and then we go and work out what the interests of the stakeholders are. Mr Mulcahy asked the minister yesterday—I suggest he has not got it yet—to make available the business impact statement. I assume, minister, you will be doing that shortly?

**Ms Gallagher:** No, I won't be.

**MR SMYTH:** "No, I won't be," she says. "We're not going to reveal to you what our business impact statement said." Why not, minister? What are you afraid of in releasing the business impact statement? What is it in the business impact statement that you do not want the rest of us to know? If it was a glowing endorsement of this policy, that business impact statement would not be just on the table; it would be in the *Canberra Times*, it would be on the TV, it would be on the radio, and the minister would be out there spruiking, as they create new the Jerusalem in the ACT, about how this was good for ACT workers and employers. But the minister's strident, "No, I won't be releasing the business impact statement," simply says that this business impact statement does not back up what the government is saying, and I think the minister, when she closes debate on the bill, should stand up and explain in more detail why she will not release the business impact statement.

I suspect the reason that she will not release the business impact statement is summarised rather nicely by John Robertson, Secretary of Unions New South Wales, who said that unions these days should be more worried about their own actions than those of the federal government. Referring to the federal government's IR legislation, he said:

We need to be honest with ourselves.

These laws are not the biggest threat to the future of the labour movement, we are.  
... Our political wing—

That is the ALP—

is in even worse shape ...

It is all about relevance. They are living in the new Jerusalem. For those who have not seen it, I suggest you look at RiotACT today because it talks about Jon Stanhope and his apparatchiks creating a new Jerusalem. That is why we are here; we are here to make the workers' paradise in the ACT, new Jerusalem, on-tap, online in the ACT. But the minister will not release the work that justifies how this will help all stakeholders. She says in her speech that this will "take into account the interests of all stakeholders". She probably should have added, "and then we'll disregard business and we'll probably disregard several other groups and we'll just make sure that it's the ones that we want to particularly look after that we will actually look after." She said:

This provision will ensure that seasonal workers who work for the same employer year in, year out can share in the benefits of long service leave.

Well, they already do. If they are permanent employees, they are entitled to long service leave. If they are not permanent employees, they are paid at the casual rate. I am intrigued about the seasonal workers. Which crop of seasonal workers do we have here in the ACT? It might be the fruit pickers of Forrest, or the cherry pickers in Pialligo, but I have not seen the convoys of kombies coming down to the backpackers hostel with all the seasonal workers who work in the ACT.

There is some additional seasonal work—I guess you would call it seasonal work, although it is probably just peak demand—at Christmas and at some of the tourist events. But this is not a city overwhelmed by seasonal workers who work for the same employer year in, year out, and they do share already in the benefits of long service leave. If they are employed permanently, they get that money, that entitlement. If they are a casual worker, they actually pick it up in the hand. The casual rate of employment is a bit extra, about 25 to 30 per cent, depending on the award. They already get paid that, so I am not sure how the provisions of this bill will ensure that the seasonal work force, which is obviously huge in the ACT, will get the same benefit. The minister said that, whether they work in the agricultural, tourism or retail industries, there is no sound policy reason for denying these workers the same benefit. That is true, because they are not being denied it.

There is no justification in the minister's speech for changing this legislation at this time. You can poke holes in her argument. She says it is to recognise the long-established principles. Well, the long-established principle was that it was a reward for 10 years of service. She says that we have got to get the underlying policy basis for long service leave and take into account the interests of all stakeholders—and I would add "except we will not release the business impact statement." I assume it has been done, minister? The BIS has been done?

**MR SPEAKER:** Order! Address your comments through the chair.

**MR SMYTH:** Well, Mr Speaker, perhaps the minister will tell you, because she is obviously not going to tell me whether or not she has done a business impact statement and, from the tight-lipped look that we have got across the treasury bench, one can almost assume that there was not a business impact statement done. So they are either

not going to release it because they do not want to, or they are not going to release it because they actually did not do it and, therefore, it blows a hole into the minister's line that she has taken into account the interests of all the stakeholders. Then, of course, we have got the influx of seasonal workers.

It says on the second page of the minister's speech that the financial impact on employers will be insignificant. Well, justify it, minister: table the business impact statement. I know the argument will be that they are doing it already and that they should be doing this and they should be doing that. But justify that your changes to this law today will have insignificant impact on the business community.

**Ms Gallagher:** You just answered it, Brendan; they are already doing it. They already have to make provision.

**MR SMYTH:** Well, you get up and make the case, minister, and then table the business impact statement. You get up and table it, minister.

**Ms Gallagher:** You answered it.

**MR SPEAKER:** Order!

**MR SMYTH:** Thank you, Mr Speaker. This is about relevance, Mr Speaker; it is about being relevant in a modern world. It is not about creating a new Jerusalem. It should not be about looking after your union mates. It should be about looking after the entire community, and building a more sustainable Canberra. And it should be about making sure that you have got the primary settings right, which we clearly have not got. It is quite clear that the Labor Party reforms are failing—hence we are in deficit—and we believe that these changes at this stage are not appropriate, so we will be opposing the bill.

**DR FOSKEY (Molonglo) (9.53):** The Act Greens support the Long Service Leave Amendment Bill and the proposed government amendments. I think it is appropriate to reduce the time of service before one is entitled to long service leave from 10 years to seven years. This reflects the changing nature of our workplaces, with more part-time, casual, and more varied and shorter work contracts. I also support private sector workers having comparable entitlements to public sector workers.

Long service leave is an important workers right. It gives workers a substantial break, it is a reward for continued service with an employer, and it is an incentive that helps reduce staff turnover. Long service leave can also be an important opportunity for workers to spend time with their families. Many, of course, use it to extend their education by travel or study. I have observed in areas where I have worked, but focusing particularly on teaching, the necessity for employees to take a break, a decent break, at reasonable intervals. Burnout is a real danger in many jobs, and in professions like teaching the effects are felt broadly, not just by the person involved but also by students, colleagues and the teacher's family.

I also support the changes that mean that seasonal work or breaks in work caused by external market factors do not constitute a break in service and hence some seasonal and casual workers may now be eligible for long service leave. Many of them are juggling

more than one part-time job just to make ends meet. For them, long service leave is still a faint hope. I think that the next step is to look at innovative ways of addressing the fact that an increasing number of workers are on short-term contracts with various employers and therefore will not ever become eligible for long service leave. Portability within a sector is one way of achieving this. So I am pleased that the community sector task force will look at the portability of long service leave within the community sector.

The debate on this bill has shown a disturbing lack of concern by some speakers for the welfare of workers compared to the welfare of business. Indeed, any gain that makes work healthy for people has been seen by them as an indication that the sky is falling in. Nonetheless, business owners, business managers, as well as business workers, are human beings. I am sure that it is just as important that managers and owners take decent breaks every five years, but we are not here debating that, because we do not have to, because they make the rules for themselves. I support the bill.

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (9.56), in reply: I thank members for their contribution to the debate on this bill. This bill delivers on a commitment by the government to modernise long service leave entitlements for ACT private sector workers to better reflect the realities of the contemporary 21st century workplace.

The last two decades have seen a major shift in the way people work, as the notion of a job for life fades and more precarious forms of employment, such as casual and contract work, proliferate. These changes in work patterns, combined with emerging issues such as increased work intensification, pressures to balance work and family life and predicted labour shortages, are the drivers for the amendments the government is moving today.

Over time, a number of rationales have underpinned the provision of long service leave, including to provide employees with an extended leave of absence in order to renew their energies, to reward long and faithful service with an employer, and to reduce labour turnover. These rationales remain at the heart of the amendments proposed by the government.

The main policy reforms to be made by this bill will enable workers to begin to take their long service leave after completing seven years of service with an employer. This amendment will set a new legislative standard for access to long service leave in Australia and will bring entitlements for private sector workers covered by the act into line with the benefits already enjoyed by ACT public sector workers. The amendments will provide employees with improved access to long service leave to better balance work and family commitments, while recognising the value of rewarding long service with an employer.

After the introduction of the bill, the government received feedback from stakeholders seeking illumination on the intended operation of the improved access provisions. The purpose of the government's first amendment to this bill is to provide certainty to stakeholders on the operation of the bill and make clear that employees will be able to access long service leave after seven years, in much the same way as they can access it after 10 years of service.

The bill also makes amendments to existing continuity of service provisions to ensure that seasonal workers who work for the same employer over an extended period of time will now be able to access long service leave. These amendments will ensure that long service leave will now cover long-term private sector employees, whether they are casual, part time or full time. The government stands proudly by our agenda to modernise this entitlement to long service leave. We do not believe that this entitlement should simply wither away as employers use changing work demographics to make the work force less permanent. We believe that the amendments here today are an important part of a fair industrial relations framework for the ACT and will result in more employees being able to take an appropriate break in consultation with their employer. Long service leave is not a reward; it is a hard-won entitlement for working people.

Mr Mulcahy is fast developing a reputation as one of the last industrial cold war warriors in the ACT. He sounds as though he would be more comfortable working in the 1980s for Troubleshooters or the like. Uninterested in balancing economic prosperity with fair conditions, Mr Mulcahy represents employers who believe that the only way to profit is at the expense of workers: their wages, their entitlements, their safety and their future. We on the government side know that by far the majority of employers do not agree with Mr Mulcahy. The vast majority of employers know that the best way to profit is to treat their workers fairly and safely so that everybody gets their proper entitlements from their work. This is borne out by the facts on business confidence.

According to the Sensis survey, the ACT recorded the highest rise in business confidence, of eight per cent, of any state or territory up to October 2004. Again, according to the ABL March mid-term report 2005, the ACT is the easiest jurisdiction in which to do business. According to this piece of analysis, our regulator agencies achieve a score of 6.6, well ahead of any other state or territory. Rather than talking up the ACT as a great place to work, as most employers recognise, Mr Mulcahy just wants to talk it down.

The ABS characteristics of small business for the period from June 2003 to June 2004 show an increase of 3,500 small businesses in the ACT. This increase of 21.7 per cent over the previous two years occurred during the time when all of the legislation, which Mr Mulcahy misrepresents as imposts on business, was passed through this Assembly—namely, industrial manslaughter, OH&S enforcement and compliance, and removing the requirements for part-timers to meet a threshold for annual leave. So we on this side think that the good employers will see the benefit of these amendments to long service leave entitlements. Good employers are looking for ways to appropriately recognise the service of their employees—not to deprive them of their just and proper entitlements to good wages and working conditions.

Mr Mulcahy said that workers would be sacked because of this legislation. I would like to remind Mr Mulcahy that it is against the law to sack someone in order to avoid paying or recognising an entitlement. Mr Mulcahy talked about the cost of this legislation, the cost on business, and of course he could not actually quantify the cost on business other than to say there is a cost on business.

The current legislation, coupled with the accounting standard about employee benefits, requires that employers currently make provision for long service leave entitlement after

five years. We are not changing that. We are not asking them to make provision after three years; we are keeping those arrangements the same. This is merely giving employees access to that entitlement, which should be provided for if businesses are doing the right thing. It should already be in the bank, already sitting there as an accumulated liability, to give those working people pro rata access—not 10 years access, but seven years access—to this entitlement. That is the change.

If we were to accept the arguments being put by the opposition you would think we were having a revolution in industrial relations here with this legislation—that we were changing everything, that we were imposing some sort of left-wing, new model of long service leave. What we are saying is that the workplace has changed, people do not stay as long with employers as they have in the past, for a range of reasons—not only choice of the employee—and that, in recognition of that, this entitlement should be modernised.

Those opposite argue that it was for 10 years and therefore it can only be for 10 years. Apart from going back to the 1950s, and we know they would like to, if you accept their argument, there should never be any change to any legislation, ever: when it was brought in, that was the way it was and it should never reflect any changes in the community or any changes in demographics. Their view is that long service leave was for 10 years and that is the only way it can be, because when it evolved it was for 10 years service. That does not take into account the way the workplace is in 2005, and that is what this legislation does.

Private sector workers, it is clear, now know that, if those opposite were ever in government, there would be constant attacks on their conditions of service. Employees and employers of the ACT need to know that Mr Mulcahy is not interested in what is best for the territory or what is best for working people. We know Mr Mulcahy has had a long history in business, a long history in management in business, but what Mr Mulcahy has to understand is that he does not work for “Legislative Assembly Incorporated”; he is not the chief executive; he is not a boss any more. He is here to represent his electorate, and his electorate is made up of ordinary Canberrans. Yes, some of those people will work in business and some of them will be managers in business, but he is here to represent ordinary working people and put their interests first—not the interests of business or heads of business or the big end of town. That is not what he is here to do.

We have taken into consideration everybody’s comments. We stand here and take into consideration all stakeholders involved. We are not representing one arm of the community with this legislation change. I think the opposition needs to get over their ideological hatred of the union movement. I really think that would help in the debate, because it would provide a little more balance. They almost froth at the mouth when they have to talk about our relationship with unions, the evils that the unions represent. Of course they forget to accept that the unions are still the largest community organisation across Australia. In fact, the unions have done a lot of good things, including providing improvements in working people’s conditions of employment, from which all of us here today, getting paid our wage and enjoying our nice conditions of service, benefit.

**Mr Smyth:** Eighty-two per cent of the ACT aren’t in a union.

**MR SPEAKER:** Order!

**MS GALLAGHER:** The statistics of union membership are not relevant in this debate because this legislation is not union legislation. This legislation is about providing a benefit for ordinary working people. This bill is about providing an entitlement to ordinary working people and enabling them to share in the prosperity of our community, in line with public sector workers—

**Mr Pratt:** And discriminating against those loyal employees.

**MS GALLAGHER:** Mr Pratt really needs to stop interjecting.

**MR SPEAKER:** It does not help if you respond to the interjections. Direct your comments through the chair, please.

**MS GALLAGHER:** Mr Speaker, Mr Pratt would do well to read what this legislation is about, rather than just interjecting. In conclusion: Mr Mulcahy made mention of the Tolpuddle Martyrs in his first address yesterday—a rather theatrical address it was, quite exciting to watch. The Tolpuddle Martyrs were framed men—men, and their families, persecuted by employers, driven like dogs to the criminal courts and sent on a diseased convict boat to Australia. Interestingly, the martyrs were framed by an employer and someone who passionately believed in church, constitution, king and country and maintenance of the status quo. It sounds a little familiar, listening to some of the arguments we heard yesterday.

Mr Mulcahy may salivate at the prospect of the building industry task force imprisoning people for organising a union. He may also dream at night of one day rolling back long service leave entitlements in the ACT. But, while the Australian Labor Party sits on these benches, we will conscientiously work to improve the conditions of working people and their families in the ACT in cooperation with employers.

Question put:

That this bill be agreed to in principle.

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.

Bill agreed to in principle.

### **Detail stage**

Bill by leave, taken as a whole.

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.11): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

**MS GALLAGHER**: I move amendments Nos 1 and 2 circulated in my name and table a supplementary explanatory statement to the government amendments [*see schedule 1 at page 1979*].

After the introduction of the Long Service Leave Amendment Bill 2005, the government received feedback from the Association for Payroll Specialists that the provisions surrounding access to leave after seven years were unclear. This government amendment clarifies that an employee will be entitled to begin to take long service leave after seven years service. The entitlement to take leave will be subject to the current conditions on the taking of leave. Leave can be taken as soon as practicable after it is accrued, having regard to the needs of the employer's establishment, or at such other time or times as agreed by the employer and the employee.

The amendment does not change the rate at which the leave accrues. The rate of accrual is 0.2 of a month's leave per year of service. This means an employee taking long service leave after seven years could take 1.4 months leave. The amendment also enables an employee to begin their access to their second tranche of long service leave after 12 years, rather than the existing 15 years service. The further amendment substitutes the word 10 years with seven years. It is consequential on the first amendment and it clarifies the effect of the entitlement to early access to long service leave on pro rata entitlements on termination and on payment for ineligible service after seven years.

**MR MULCAHY** (Molonglo) (10.13): We have had discussions and I thank the minister for the briefing provided by her advisers in relation to this. During those discussions, we raised some matters regarding clarification of these amendments, notwithstanding our general view about the thrust of the bill. But I think the amendment serves to remove any risk of ambiguity in those provisions.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Rates Amendment Bill 2005**

Debate resumed from 3 May, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (10.14): The purpose of this bill is to put the calculation of rates for rural land on the same basis as that for urban land. Urban rates presently consist

of two components. The first part is a fixed charge element of \$392 which contributes to the cost of services such as garbage collection and the like.

The second part is a variable charge based on a rolling three-year average of the unimproved value of the property. No rates are paid on properties with an unimproved value under the threshold of \$21,500 at present. The rate-free threshold will rise to \$22,000 in 2005-06. Until now, no fixed charge has applied to rates on rural properties. However, the effect of this amendment is to split the rates calculation into fixed and variable components, the same as urban rates.

I thank the Treasurer for the briefing provided to my office. I am advised that the reason for the amendment is that, since the government has decided to apply the average rate impost of \$104 on a 50:50 basis to both the fixed charge component and the variable component of the rates bill, it is clear that it would have resulted in a disproportionate rate increase for higher valued rural properties, compared with the impact on properties with lower unimproved land values. Putting rural land on the same basis as urban land is seen by the government as the most equitable way of implementing their, albeit unwanted, 50:50 rate increase amongst all rural land owners.

I have had questions raised about the necessity for the pace of the introduction of this bill and the necessity for it to be rushed through today. I think it would be beneficial to all members of the Assembly if the Treasurer were to expand to the Assembly on the reasons for this pace, which I understand may be associated with timetabling for the gazettal and issuing of notices.

The suggestion was put that it may have been unnecessary for the government to go down this path if their increase had simply been applied to the variable components of rates, rather than splitting it over the variable component and the fixed component. I do not have the benefit of the cost impacts or any modelling that may have taken place in Treasury on what that would have meant to the overall tax base in Canberra. I would simply flag that as a question the Treasurer may want to address in concluding this debate.

The opposition will not be opposing this bill because it appears to be addressing an anomaly, notwithstanding our overall concern at the additional impost being faced by ACT households and businesses. Of course, above all, we are most relieved to see that the bill is consistent with the Human Rights Act.

**MRS DUNNE** (Ginninderra) (10.17): As Mr Mulcahy has said, the Liberal opposition will not be opposing this bill, but I feel it is incumbent upon us to recognise that what is potentially a further impost—only potentially—on rural lessees is being applied at a time when the rural sector, both here and across the country, particularly across south-east Australia, is doing it pretty tough.

All ACT rural lessees are now able to apply for exceptional circumstance funding because of the ongoing drought. I want to flag a note of warning that the rural sector would have particular concerns. I hope they were consulted about this bill. Again, I am concerned about the time this bill has taken from presentation to conclusion. It does not give the community much time to scrutinise and work out the implications for them.

It is always obvious that government will extract rates, come what may, and that they will find the means of doing so, but it would have been preferable if the rural sector had been consulted and had had the opportunity to comment on this bill. It would also have been preferable if the government could have held off on further imposts on the rural sector, given the circumstances in which the sector find itself because of the ongoing drought and the lack of attention this government pays to rural lessees over a range of issues.

I refer to the time it took for the government to agree to support exceptional circumstance funding and their failure to build fences after the 2003 bushfires. Some of those fences are still not built. They are the responsibility of the government, although the government denies that responsibility. It says a lot about the concern, or lack of it, that this government has for the rural sector in the ACT.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.20), in reply: Just picking up on that last point on fences, I am presuming that the money we have spent is money we have wasted under the Mulcahy analysis of our performance in recent times. I think it would be fairly reasonable to communicate that more broadly, but we cannot get any specifics out of you yet.

I look forward to some information in relation to the money we wasted—all those hundreds of millions of dollars, including what we spent on bushfire recovery. I am presuming that a Liberal government—at least one involving Mr Mulcahy—would have spent nothing on bushfire recovery. Rural lessees would have been a lot worse off, as well as a whole lot of other sections of the community.

**Mr Pratt:** We would not have tried to shut down the inquiry.

**MR QUINLAN:** That is immaterial, with the greatest respect. What is material is that the opposition has said, “Money expended on bushfire recovery was sheer waste.” Let that be a matter of record.

**Mr Pratt:** When did we say that? Put it on the table!

**MR QUINLAN:** To put it on the table is a good idea. Just tell us what you would have spent of that money that you reckon we have wasted. If it was all wasted, then you would not have spent it. You cannot have it both ways. You could in your little mind, I suppose. If you say that that money was wasted, I think it is reasonable to infer that you would not have spent it. Therefore, you would have spent nothing in support of rural lessees.

The criticism of Mrs Dunne, like much of what was said yesterday, is very hollow and lacks credibility. Why is this bill going through so quickly? It does need to be passed in order that the instrument can be made and we can proceed with the changes to computer programs, the setting up, the printing and all that sort of thing in reasonable time. Otherwise, Treasury would have to do that on the assumption that the Assembly would later pass this bill. We would not want to do that, would we? We would not want to act as a government in anticipation without your approval. We thought it best to get your approval so that we can take the necessary action to levy the rates.

Why have a fixed charge on rural leases? Because the rates are calculated in blocks, if we said that we wanted some form of equity between rural leases and all the people in the suburbs, it would create a very heavy impost on the owners of the higher valued leases—an inordinate increase. Cabinet discussed that and we concluded—not decided—that it would be a more equitable thing to do to have a relatively small fixed charge and keep the proportional increase of the variable element of the rates formula consistent with that which is applied to the rest of Canberra. I think that is pretty fair. I close by thanking members for their support for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Insurance Authority Bill 2005**

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

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (10.25): The purpose of this bill is to improve the operations of the ACT Insurance Authority in the light of experience since it was established in 2000. The ACT Insurance Authority is a captive insurer. It provides insurance cover to ACT government entities only. Those entities have no choice, of course, when it comes to insurance, so they have to hope that they are getting a good deal. Being loyal subjects, they trust the government.

The main area that the insurance authority does not cover is workers compensation. That is covered by Comcare. The insurance authority covers property and physical assets, public and product liability, professional indemnity, medical malpractice, directors and officers liability, third party motor vehicle insurance for some agencies, aviation liability—I am not sure what that is all about—and volunteer personal injury and liability.

Its role includes promoting best practice risk management to minimise claims against and losses by the territory. Agencies are charged a premium which reflects their claims history and an assessment of their expected performance. This premium and the availability of discounts, we would hope, act as an incentive to improve risk management.

In 2003-04, the insurance authority did not manage its operations within its overall budget. The deficit was, in fact, \$13.3 million. However, as the Auditor-General noted at pages 57 to 59 of report No 10 of 2004, relating to the 2003-04 financial audits, it is doubtful that the budget could have been achieved, given the identification of significant medical insurance claims right at the end of the year. That experience raises the question: why did the insurance authority not know about these claims? Of course, that was the

subject of questioning before the public accounts committee. It was a revealing episode, to put it mildly, and hopefully one that will not be repeated in the future.

The Auditor-General also pointed out that the insurance authority did not have enough assets to meet its liabilities, and that its ability to meet long-term liabilities and any unexpected losses had deteriorated over recent years. In response to these findings, the insurance authority said that it shared the same concerns and advised that, as a consequence, it was involved with Treasury in exploring options for addressing the causes of its problems.

This bill is the outcome of those explorations. The bill seeks, firstly, to restructure the insurance authority and take a whole-of-government view of acceptable insurance risk, as distinct from its own operating result and balance sheet. Secondly, it establishes an advisory board to provide technical and market advice and, thirdly, it gives the insurance authority improved access to agencies' data and other information relating to claims and their management—a lesson from the bushfires.

The basic functions of the insurance authority will not change as a result of this bill. I certainly can see clear benefits from the experience and expertise provided by the advisory board. There may have been documentation, but I am not aware of who the people are that make up that group. I am assuming, in good faith, that we will be getting some high-quality advice for that board, to ensure the most efficient management of our insurance needs in the territory.

The other benefit I see for the authority is in having access to better information on the causes and basis of insurance claims. As you would expect, we support the insurance authority promoting best practice risk management in government agencies. That is a fundamental philosophical view that is certainly supported on this side of the house.

One aspect of the bill on which I would appreciate further clarification from the Treasurer is his reference in the presentation speech to the need for a more robust yet flexible administrative platform. That sounds like a quote from a management textbook. I would like to know what the Treasurer means by "robust yet flexible" in this context. Possibly it is the description of a centre half-back. We are not too sure what it is really trying to tell us.

Another point in his speech on which I would be grateful for an explanation is what is behind the Treasurer's observation in the presentation speech that the existing insurance authority has a government structure that mirrors more commercially focused businesses, and that this gives rise to potential divergences in views between Treasury and the board.

He goes on to say that the potential for divergence arises from a natural inclination of the board to take a very conservative risk position from the point of view of the authority's balance sheet and operating result. He adds that this may conflict with Treasury taking a whole-of-government view of acceptable insurance risk. It would be helpful if that could be expanded upon.

We would appreciate it if, in his explanation, the Treasurer could give us an illustration of the different approach and the different results, and also tell us whether, in Treasury's whole-of-government approach, there is an element of cross-subsidisation that may arise

from a low-risk agency to a high-risk agency. I obviously am interested in knowing why one approach is favoured over another.

Subject to hearing some elaboration from the Treasurer on these particular questions, we are pleased to support the government's moves to improve the effectiveness of the insurance authority and will broadly support the promotion of best practice risk management in the territory.

**DR FOSKEY** (Molonglo) (10.31): I support the Insurance Authority Bill. It appears to be quite straightforward, noting that the scrutiny committee had no comment to make in its report of 4 April. As I understand it, the bill allows for the ACT Insurance Authority to be more aligned within Treasury, similar to the central financing unit and the superannuation unit.

The bill is also beneficial in that it gives the insurance authority greater ability to request up-to-date reports on claims from ACT government departments and agencies. That appears to have been an issue for the authority and may have contributed to major blowouts until now.

However, once the bill is enacted, the structure of the insurance authority's board will change considerably, moving from a six-member governing board to a two-member advisory board. While I accept that the responsibility of the authority will now lie wholly within Treasury, I am concerned as to why the board should be reduced to only two members.

Another item of major interest to the Greens is the nature of the insurance authority's clients. The authority's 2003-04 annual report notes that the authority insures all ACT government agencies but has no external clients. However, the bill before us demonstrates, under clause 11, the ability for the authority to indemnify a third party that is not of the ACT government if there is some risk to government.

The Greens see this as an opportunity for the ACT government to provide insurance to community organisations, as currently occurs under the Victorian government. Community organisations operate on limited funding and are subject to the rise and fall of private insurance costs, which can significantly eat into their financial resources. Community organisations such as ACTCOSS have commented that, although insurance costs are stable for the time being, this is an important and complicated ongoing issue for the sector that needs to be addressed to ensure the sustainability of our community organisations.

Some community organisations have requested an increase in government funding over time, just in order to meet rising insurance premiums. However, the government has not heeded such requests. The government has previously offered community organisations the use of a government insurance broker to assist in finding cheaper insurance deals. However, some deals this broker found were actually more expensive. As the ACT community organisation sector is small, any chance of making cost savings through bulk purchasing of insurance is negligible and, due to the insurance categories some community organisations are placed in, which they have little control over, they face greater insurance premiums than they would like.

With this new legislation there is an opportunity for the ACT government to correct this problem by assisting non-government organisations in regard to more effectively spending their government funding. I encourage the ACT government to look at the non-government organisations insurance program in the Victorian Department of Human Services as a solution to this problem.

The service agreement with non-government organisations provides free insurance through the Victorian Managed Insurance Authority in the areas of public liability, directors and officers liability, professional indemnity, medical malpractice and volunteers personal accident insurance. The non-government organisation recipients of this insurance are working in the fields of aged, community and mental health, disability services, community care, housing and public health. Please note, however, that these free insurance policies do not provide cover for fire, burglary or motor vehicles, and that non-government organisations need to purchase insurance policies for these items themselves.

As I provide my support to the Insurance Authority Bill 2005, I encourage the ACT government to investigate and consider introducing such a program for government-funded non-government organisations, to ensure that the taxpayers' dollars are more effectively spent and that non-government organisations are better able to provide the services for which they are contracted.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.36), in reply: In answer to some of Mr Mulcahy's queries, I thought "robust and flexible" was a ball-winning rover with occasional capacity to act as a goal scorer. It just depends on your frame of reference, really.

**Mr Pratt:** We are ruggger buggers on this side.

**MR QUINLAN:** Do you have centre half-backs in rugby?

**Mr Pratt:** No, fullbacks.

**MR SPEAKER:** Order!

**MR QUINLAN:** Thank you, Mr Speaker. We are really talking about trying to make the role of the insurance authority and the management of it work as it ought to work. We have an external board at this stage. We wish to maintain access to the experience, knowledge and expertise of that board but, at the same time, we really need to manage our insurance authority in a broader and more flexible manner.

The commercial orientation can engender a risk aversion. The insurance authority will be trying to provide insurance cover for government and, to a larger extent than would an ordinary commercial insurance company, represent and take into account the interests of the client, as well as the interests of minimum corporate costs overall to government.

We are not profit oriented and we do not want to be risk averse to the point where we cannot find coverage for some of our agencies. There does need to be a greater degree of

flexibility and a different orientation than the strict commercial approach that might be taken. I think that is a fairly reasonable place for a government-sponsored insurance authority to be in the spectrum of things.

In relation to Dr Foskey's concerns about community organisations, without having the detail of any individual cases, I have to say that I think that the insurance authority has done a tremendous job in being able to assist not only community organisations but also a wider range of organisations through the public liability crisis. I think there was one case, a business, which we could not assist. In all other cases the insurance authority has been able, in one way or another, to assist businesses and community organisations that would otherwise be finding it difficult to get insurance cover.

In that regard they have done a fantastic job, as an established community care underwriting agency, in providing public liability insurance to all community organisations—not just those performing government services. Over the last couple of years during the insurance crisis smaller organisations have had a very difficult time. The insurance industry just closed their doors to a lot of the organisations that had taken insurance with them for many years and had a claims history of zero.

Their risk profiles were being calculated in London, Zurich and New York. By the time we got to Australia and its share of the world market, and then to Canberra and its share of the Australian market, the arbitrary nature of the approach that had been taken world-wide had quite a significant impact on organisations that, frankly, did not deserve the treatment they were getting. Through the hard work of a number of highly skilled people who have not just been doing a job but have dedicated themselves to delivering this service, we have been able to help pretty well everybody. That performance should never go understated. It was a tremendous effort in a very difficult time.

We now find in this time of greater focus on insurance that not only do we need to have a process to make sure our agencies have coverage and that we are able to get the most cost-effective reinsurance but also that at the same time we need to run it in as commercial a manner as we can, with the overlay that we care about the client. Those might not necessarily be the objectives of some of the insurance companies with which we have dealt in previous times.

I thank members of the Assembly for their support and assure them that I am very confident that the job the insurance authority has done in recent times will continue at its very high standard.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Unit Titles Amendment Bill 2005**

Debate resumed from 10 March 2005, on motion by **Mr Corbell**:

That this bill be agreed to in principle

**MR SESELJA** (Molonglo) (10.43): The opposition will be supporting this bill. Mr Corbell is right in saying that superior courts should have the ability to rule on property rights and interests, and I think it is appropriate that the Supreme Court should be given these powers.

I understand that the sentiment behind the changes to the act in 2001 went to the issue of costs in the cancellation of unit titles, and I can see why the Assembly would seek to move the administration of such matters to lower courts or tribunals, or vest the powers with the relevant statutory authority. It seems to have been an attempt to ensure that the costs would be kept to a minimum and that good outcomes could still be achieved.

But I understand, at least anecdotally, that the outcomes that were sought by the 2001 bill are not really being delivered on a day-to-day basis; that is, the costs continue to be relatively high when dealing with unit title cancellations, yet the move to lower courts and tribunals, or ACTPLA acting in these matters, does not necessarily provide the certainty, or uphold the rights of parties to these matters, in the way that it should—and that is not to criticise the lower courts, tribunals or ACTPLA.

The move to return these rights to the Supreme Court should ensure better, potentially more correct and more certain outcomes for parties to these matters and mean that the system works better for stakeholders, which is something that the opposition have been seeking for some time. We will therefore be supporting this bill.

**DR FOSKEY** (Molonglo) (10.45): I support this bill. It appears to be fairly straightforward although, as has been commented already this morning about the Rates Amendment Bill, this one has been brought up rather suddenly, although certainly not as suddenly as that one.

The Unit Titles Amendment Bill will enable the Supreme Court to consider matters relating to changes or cancellations of unit plans. The Supreme Court had this capacity under the Unit Titles Act 1970. However, when that act was repealed in 2001, after a long review, and replaced with the subsequent Unit Titles Act 2001, there was no provision for Supreme Court involvement. In place of the Supreme Court, the 2001 legislation provided that, where there was consensual agreement on changes or cancellations to unit titles, these could be approved by ACTPLA or its equivalent, or, if there was a dispute, via the Magistrates Court. One of the arguments put forward for using the Magistrates Court rather than the Supreme Court was that it would significantly reduce the cost of cancelling a units plan and the time involved in doing so.

The legislative changes in 2001 were supported unanimously and put before the Assembly after many years of consultation and consideration. At the time my predecessor, Kerrie Tucker, noted that there was a “need to ensure that the internal management arrangements for these complexes are equitable, democratic and accountable, and also to ensure that disputes between unit holders can be fairly resolved and as simply as possible”. I endorse this sentiment. I have been advised that there are some cases of a more complex nature involving property rights and interests that go

beyond the capacity of the Magistrates Court. I have been advised that, as the other options are still available, it is appropriate that the Supreme Court resolve these matters.

I did wonder if such discretionary powers could be given to the Magistrates Court. In my mind, that would simplify arrangements. The argument against this is that, if such discretionary power were granted to the Magistrates Court, decisions made in the Magistrates Court could still be challenged in the Supreme Court. I am not a lawyer, so I will accept these amendments as a sensible way of addressing the matter.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (10.47), in reply: I thank members for their support for this sensible reform to the Unit Titles Act. As members have already alluded to, under the Unit Titles Act 1970, now repealed, alteration or cancellation of units plans was effected by way of an application to the Supreme Court. This bill invests the Supreme Court with powers similar to those contained in that previous act.

The Unit Titles Act 1970 gave the Supreme Court the power to impose conditions and give directions, to be complied with before making a final order for the alteration or cancellation of a units plan. In addition, the court was empowered to give directions to be complied with after the cancellation or alteration of the units plan. Any matter where property rights and interests are affected needs to be dealt with by a superior court that has the broad-ranging powers to make appropriate orders to dispose of all matters before it. When the Unit Titles Act 2001 was enacted, there were no provisions equivalent to those I have referred to already.

The current act provides that the ACT Planning and Land Authority may give a cancellation authority, which has the effect of cancelling the units plan, dissolving the owners corporation and ending the lease of the common property and the lease over each of the units. Such a cancellation results in a single lease over a single parcel. When dealing with personal property rights, as is the situation in the alteration and cancellation of units plans, any alteration or adjustment of property rights should always be susceptible to an application to a superior court that has the jurisdiction to make broad orders and directions in order to adjust the interests of the parties to the application.

The bill does not seek to change the current access to both the Planning and Land Authority and the Magistrates Court in regard to cancellation orders or deadlock orders respectively. Indeed, it retains the cheaper and faster procedure for simple cases. However, it now provides the appropriate court option for matters that are more complex. The basis of the amending legislation is the need to ensure that there is fairness and equity with respect to the property rights and interests of individuals and other interested parties.

Development in the territory, and in particular the redevelopment of existing multiunit developments, presents a unique range of complex commercial property issues. This legislation will more appropriately deal with the anticipated range of matters that will come before the Planning and Land Authority and the courts. I thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Administration and Procedure—Standing Committee Membership**

**MS MacDONALD** (Brindabella) (10.50): Pursuant to standing order 223, I move:

That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure for the period 7 May to 18 June 2005 and that Mr Stefaniak be appointed in Mrs Dunne's place for that period.

Question resolved in the affirmative.

## **Leave of absence**

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

That leave of absence be given to Mrs Dunne for the period 7 May to 18 June 2005 inclusive.

## **Access to acute care Ministerial statement**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning): I ask for leave of the Assembly to make a ministerial statement concerning access to acute care.

Leave granted.

**MR CORBELL:** Timely access to acute hospital care is the number one health program priority of the Stanhope government. Since its election, the government has been working towards ensuring our public health system provides high-quality and accessible services to people of the ACT and the surrounding region. In March 2004, the government launched the Canberra plan, which addresses the current and future challenges facing Canberra. The plan highlighted the need to ensure that health services continue to adapt to meet the needs and challenges that will arise in our community.

The initiatives of the most recent budget build on the aims of the health action plan and the Canberra plan. These initiatives prove that this government puts its money where its mouth is. The 2005-06 budget provides for an additional \$34.2 million in capital and recurrent funding in a package of measures targeted to ensure that we are able to address the health priorities facing the ACT. In doing so, we recognise that the demand for public hospital services continues to grow—a challenge not confined to the ACT but one faced by all public health care systems in Australia and across the world.

Over the last three years, there has been a consistent increase in the level of emergency admissions to ACT public hospitals. The total number of emergency admissions in 2003-04 was 17 per cent higher than in 2000-01. This has placed increasing pressure on the system to maintain elective or planned admissions and to keep waiting times at an appropriate level.

We are all aware that the demand for elective surgery has increased significantly in recent years, and I will discuss the government's response to this demand shortly. Our hospitals have experienced significant growth in demand for dialysis, cardiology, cardiothoracic surgery, and cancer and stroke services. Increased demand in these areas is expected, given the ageing of our population, and this is on top of the general across-the-board increases in demand for most services.

There has also been a dramatic increase in demand for acute care for newborns. In fact, there has been almost a doubling of the number of ill babies cared for at the Canberra hospital over the last four years. This is evidence of our commitment to fulfil our role as the tertiary referral centre for the region. It is also further evidence of the contraction of obstetric services available in rural and regional Australia—demand that flows directly into tertiary referral centres such as the Canberra Hospital.

Typically in health, the public debate is focused around the number of beds, number of staff and number of patients waiting for elective surgery and emergency department care. These are important issues. The Stanhope government has demonstrated in previous and current budget measures that we are responding to these needs by boosting the number of beds, the number of procedures and the number of qualified staff needed to tackle the growing number of patients seeking access to our public hospital system.

In the 2004-05 budget, Labor provided \$501 million in government payment for outputs for recurrent health services—an increase of 48 per cent and a whopping \$162 million more than the level provided in the last year of the previous government. This funding has not only been allocated to provide more clinical and associated staff and to increase services; it has also enabled the government to invest in essential health infrastructure—something that had been ignored by our predecessors.

As a result of this increased investment, there are now 20 per cent more people working across ACT Health than at the time we were elected. We have provided care for 11 per cent more people in 2003-04 as inpatients than in 2000-01. We provided 14 per cent more operating room procedures last year in our hospitals than were provided in 2000-01. We set the record for access to elective surgery in 2003-04, and this year we are looking like we will produce the second highest total on record. The number of more serious presentations to our emergency departments last year—that is, for triage categories 1, 2, and 3—was 30 per cent higher than in the year before the government was first elected, and 61,000 more people attended outpatient clinics in 2003-04 than in 2000-01, an increase of 23 per cent. This is a further demonstration of the gradual refocusing of care to community-based responses, where appropriate, in order to maximise health outcomes and minimise inconvenience to patients.

The government has a strong track record in responding to the growing demands being placed on our public hospital and health care system. The allocation of \$533 million in

recurrent government payments for outputs in 2005-06 is further evidence that we will continue to focus on health in our second term. This will not just be about boosting the number of beds, which we have done; nor will it just be about increasing the availability of qualified nursing, medical and allied health staff, which we have also done; nor will it be just about tackling the number of patients waiting on elective surgery waiting lists, which we are doing. The key challenge is to align our health programs, funding, management and reporting around the core goal of timely access to care based on clinical need.

Three key factors determine how well we are able to respond to the challenge of timely access to health care based on need. These are, firstly, growth in demand for acute care; secondly, providing the necessary capacity, which includes funded surgical sessions, beds, staff and equipment to meet demand; and, thirdly, internal management, work practices and business processes used to deliver services.

The ACT government cannot control all of these factors, especially growth in demand. Demand is influenced by many issues, including demographic changes, population health factors, the uptake of new technologies, Australian government policies, and regional factors such as services provided by the surrounding New South Wales health system. However, our 2005-06 budget measures respond to those drivers of access over which we can have greatest influence, which are, firstly, reducing demand through prevention of presentations and avoidable admissions to hospital; secondly, provision of additional capacity; and, thirdly, management, work practices and business processes used to deliver services.

Let me look at each of these in turn. The first is to avoid preventable admissions to the acute hospital system. Notwithstanding the limited capacity of the ACT government to control the growth in demand for acute care services, there are specific budget measures aimed at reducing the demands on our public hospital and health care system. Demand will be reduced through preventing presentations and admissions to the acute hospital setting.

The 2005-06 budget will provide ongoing funding for after-hours primary medical care, a key election commitment that the government has developed with the Canberra After Hours Locum Medical Service, CALMS. This initiative is also supported by the Australian government. Previously, as members may be aware, CALMS provided after-hours GP services only to patients whose GP was a member of CALMS. But the new model, developed in collaboration with CALMS and the ACT government, extends access to all members of the ACT community.

Home visiting will be made available to people who cannot access the clinics or need assistance outside of clinic operating hours, and a telephone transfer system with Health First so that patients can be transferred between the two services. This new service, which I am pleased to be formally opening later today, will assist people in the ACT to access more appropriate primary medical care through GPs rather than through public hospital emergency departments. This will in turn help free up emergency departments to focus on genuine emergencies.

We have provided a further \$300,000 in the budget to establish a falls prevention program for ACT residential care facilities. Falls are a major cause of hospitalisation for

the elderly. Typically, falls are the first step in the loss of independence and wellbeing for older people. This program will assist in identifying and overcoming the main causes of falls in the elderly. We are also investing in quality and patient safety infrastructure. We have allocated \$500,000 in 2005-06, increasing to \$900,000 each year from 2006-07.

I, like the rest of us here, am always amazed at the level of service and commitment provided by our doctors, nurses and allied health staff and other health staff every day. The additional investment in quality infrastructure is a way of further supporting their drive to provide the best possible health care services to the people of the ACT. This initiative will provide for the identification of areas where errors are made in our public hospitals, such as in the provision of medications and with hospital-acquired infections, and the development of programs and mechanisms to address, reduce and eliminate these problems. Lapses in safety systems and errors in health care can and do harm patients. Such lapses can also lead to readmissions and extended stays in our hospitals. Improving quality and safety infrastructure is good for patients and it also reduces pressure on scarce resources. That is why the government is investing in this area.

Let me turn now to the issue of enhancing capacity in acute care. At the heart of the budget is provision for an additional 20 medical beds at an annual cost of \$2.3 million in the first year, growing to \$3.02 million in subsequent years. This will enable more timely transfer of patients from emergency departments to wards and provide the additional bed base needed to reduce pressure on elective surgery waiting lists. Extra bed capacity enables us to achieve a more efficient flow of patients from the time of their admission through each phase of treatment, right through to their return home, with follow-up care in the community if needed.

Our public hospitals often run at bed occupancy levels approaching 100 per cent. While at times of peak demand this can be unavoidable, it is in the interests of patient and staff safety and overall efficiency that occupancy in our hospitals be maintained at a level of 90 per cent. Running our hospitals at or below this level provides hospitals with some reserve capacity for unexpected peaks in demand. It also recognises that pressure on our medical, nursing and support staff increases significantly when the system runs at full capacity for extended periods of time. That is why we are making this realistic and sensible investment in additional beds.

We have also allocated \$250,000 for the permanent funding of discharge lounges at both Calvary and Canberra hospitals. These will also assist in maintaining overall hospital occupancy and activity levels at our targeted rate of 90 per cent or less. The initiative releases additional capacity into the system. It also assists with the smooth flow of patients from hospital wards to home through facilitating effective discharge planning.

The additional investment we have already made over our last term in relation to elective surgery has ensured that over 1,300 more people have been able to access elective surgery since we came to government than otherwise would have been the case. The 2005-06 budget provides further capacity through an additional \$2 million for elective surgery in the subsequent years. This will provide access to elective surgery for an additional 300 patients in 2005-06, rising to 400 in 2006-07. Consistent with our policy focus on timely access to acute care based on clinical need, this funding will be focused on those patients classified as "long waits". These are patients waiting in excess of the benchmark waiting time based on the urgency of their condition.

Let us not forget that the previous government failed to allow for the cessation of additional time-limited funding support from the commonwealth for additional elective surgery. We have had to do the hard work to find the resources within our own budget to provide for additional services. All up, our additional investment will see almost 900 more people each year accessing elective surgery in the ACT compared to 2002-03. We will improve our accountability to the community in relation to elective surgery by reshaping the way we report to reflect the importance of the length of time people wait for care and not solely the total number of people on the list. When you are in a queue, it is not the size of it that matters; it is how quickly you get to the front.

Provision of additional capacity for the special care needs of older people and those at risk of premature entry to residential care is an area of special importance to the Stanhope government. The government has provided almost \$10 million for the provision of subacute and non-acute beds in the ACT health system, providing a wider range of care options to better meet community needs. This additional capacity will progressively come on line throughout 2005-06 and 2006-07 and will address a growing area of need for specialised models of care for older people with mental health conditions or those who have completed the acute and/or rehabilitation phases of their care in a general acute hospital ward environment. This, of course, will further improve the flow of patients in our public hospital system, increase access to beds, ease the pressure on emergency departments and enable more elective surgery to be undertaken with fewer cancellations. The government has already allocated recurrent funding across the outyears to fund the operation of this important facility.

I would also like to highlight an additional \$800,000 that has been allocated to boost capacity in the high-growth home and community care, HACC, program. This jointly funded ACT-commonwealth program provides a range of community services to assist people to maintain their independence at home and prevents premature entry to a residential care service. A further initiative targeting enhanced capacity in our hospital and health care settings is the \$650,000 allocated for the intermittent care service. This innovative service provides a tailored package of support and care options to enable older people to return home or move to a supported residential care system more quickly. All of these measures further free up access to acute hospital beds. When fully operational, up to 25 people can be assisted at any one time. Enhancing capacity at the back end of the care system by returning people safely to their homes with the necessary supports simultaneously boosts capacity at the front end of the system; that is, in emergency departments and acute hospital care.

On top of these major increases in health system capacity, we will be allocating \$750,000 to provide additional capacity to manage the growth in demand for cancer care services, especially medical oncology. To ensure the necessary staff and infrastructure are available to support this massive boost in system capacity, we have allocated a further \$1.3 million for targeted staffing initiatives in nursing, allied health and medical registrars, and \$5.8 million for medical equipment, information management support, advanced medical imaging systems and an integrated quality and safety program.

Let me turn now to the issue of management, work practices and business processes used to deliver services. This is the third key factor underpinning the Stanhope government's commitment to timely access to care based on clinical need. This relates to management,

work practices and business processes. Public hospital and health care is a complex business, involving the coordination of large numbers of highly qualified professional, technical and support staff on a 24/7 basis to deliver a package of essential care to people with life-threatening or chronic conditions.

Within a single episode of hospital care—sometimes referred to as the patient journey—a patient potentially may directly interact with more than 100 health care workers, working across a large number of specialised departments both within and outside the hospital on a 24/7 basis. A patient may start a care episode in the emergency department, go to the operating theatre, require a short stay in intensive care, transfer to the general ward and then may need a period of rehab and progress to a subacute environment prior to being finally discharged home. At home, they may require ongoing support provided by multiple health and support workers. In fact, this community support may also be provided by multiple agencies.

All up, this is a complex journey to better health. Managing the interfaces of each step in the patient's journey is similarly complex. As the demands placed on the public hospital system have increased, coupled with the progressive introduction of new treatment methods and technologies, likewise the task of coordinating care has become more challenging. And with this added complexity comes added risk—added risk to the safety and quality of care, the timeliness of and access to that care and the efficiency of that care.

Because of this, the 2005-06 ACT budget delivers a comprehensive investment in system capacity. It is therefore timely also to invest in the redesign and overhaul of a number of management and business practices underpinning health care delivery in the ACT public hospital and health care system. Other jurisdictions, both internationally and within Australia, have embarked on a process of modernisation of management and business systems as they introduce extra capacity. The ACT is well placed to do the same, given the substantial investment in health capacity in the latest budget.

ACT Health has already identified a number of key care processes that could benefit from such an approach. Firstly, we will improve the interface between the emergency department, critical care and hospital wards, reducing the time that people have to wait before getting a hospital bed. We all know that the more timely the access to appropriate care the better the long-term outcome.

Secondly, we will not only focus on improvements in access across the board but also redesign the patient journey between emergency departments, critical care and wards for older people and people with acute mental illness. Waiting times for access to beds are longer for these groups than for the general population, and long-term health outcomes are maximised when necessary care is provided in a timely fashion.

Too many people have their elective surgery booking deferred. Most of the time this is due to the arrival of more urgent emergency patients or bed pressures. However, I can advise members that I have instructed ACT Health to overhaul the management, booking, scheduling and allocation of operating theatres and theatre resources at the Canberra Hospital to ensure we meet our emergency responsibilities while minimising the impact on those waiting for elective surgery.

We will improve the interface between hospital, primary care and community-based services by focusing on seamless discharge processes. This is to ensure that the care that is needed after a hospital episode is provided on time and to the level necessary. The ageing of the population and the increase in the level of chronic disease are a reality. This initiative will ensure that we maximise the health outcomes of the broader community. We will also redesign the interface between hospital, community and home and community care support services in a way that provides maximum assistance to those who need it, with the coordination and provision of services managed by those who are experts in it.

In saying all this, I am not preaching a quick fix. It will require concerted effort by ACT Health to manage a complex change and redesign program. It will be undertaken over a two-year period and will involve accessing the best available industry expertise to work with staff and management to overhaul service delivery models. This effort will be monitored through alignment of program and output performance reporting around the core goals of timely access to care based on clinical need. These are now reflected in the budget papers and will be replicated in the accountabilities of senior management.

Finally, the multiplicity of regular performance and activity reports on the ACT public health system that have developed over time will also be overhauled. These, too, will be realigned to ensure that we report more accurately and consistently on the strategic priorities of the system and not waste scarce resources in the production of endless reports, which were products of the past and not reflective of the priorities of the future.

Through this statement today I think members can see the comprehensive and overarching strategy in place to improve access to acute care. This ministerial statement is designed to give members a pointer to the way forward, to the government's directions and to our priorities to ensure that those who need care get it in a timely way. There are no quick fixes. There are no easy answers. There are no simplistic assertions as to how it will make it better. But there is a comprehensive program to improve overall the way people in Canberra get access to their health care.

## **Indigenous education**

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): I seek leave to have the statement to accompany the ninth report of performance in indigenous education incorporated into *Hansard*. It is a speech I did not give yesterday.

Leave granted.

*The incorporated document appears at attachment 1 on page 1976.*

## **Papers**

**Ms Gallagher** presented the following paper:

Occupational Health and Safety Act, pursuant to section 228—Operation of the Occupational Health and Safety Act 1989 and its associated law—Third quarterly report for the period 1 January to 31 March 2005.

## Adjournment

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

That the Assembly do now adjourn.

## Cardiovascular disease

**MS MacDONALD** (Brindabella) (11.16): Heart Week was held this week. It focused on increasing community awareness about the risk of cardiovascular disease—or CVD—and what can be done to improve your own heart health.

Heart Week is a major fundraising activity for the Heart Foundation, an organisation which has been invaluable in raising awareness about the dangers of CVD and promoting positive steps that can be taken to prevent CVD such as: be smoke-free, enjoy healthy eating, be physically active, control blood pressure and achieve and maintain a healthy body weight.

To chief executive officer, Eileen Jerga, board president, Richard Wilson, and all the staff and volunteers at the ACT division of the Heart Foundation, I give my thanks for the work they do towards reducing cardiovascular disease in the ACT.

Regrettably, cardiovascular disease is Australia's number one killer. One Australian dies of cardiovascular disease every 10 minutes, accounting for 38 per cent of all deaths. The disease does not kill older people only. Of the 50,292 people who died in 2004 from cardiovascular disease, 60 per cent had not reached the average life expectancy. The disease currently affects the quality of life of one in six. It is estimated that by 2051 one out of four Australians will suffer cardiovascular disease.

On Monday of this week the report entitled *The shifting burden of cardiovascular disease* was released. That reveals that, whilst there is a shifting burden towards fewer people dying, there are more people living with cardiovascular disease. The report highlights the massive human and economic cost that cardiovascular disease places on our community today. More importantly, the report predicts the increased burden we will face in the future if action is not taken.

Cardiovascular disease is already Australia's largest health cost item at \$14.2 billion, or 1.7 per cent of GDP. The burden of cardiovascular disease has the potential to affect the productivity of the Australian economy through both direct health system costs—estimated at \$7.6 billion, or 11 per cent of total health spending in 2004—and indirect costs, which are conservatively estimated at \$6.6 billion.

Cardiovascular disease can shorten a person's working life. Currently more than 55,000 Australians are not in the work force, due to cardiovascular disease, and production losses due to lower employment rates and premature deaths are \$3.6 billion.

If left unchecked, this could force down the retirement age and decrease the number of older Australians active in our work force.

Dwarfing the financial costs are the costs of suffering a premature death from CVD, which were valued at a massive \$94 billion in 2004. CVD impacts on two out of three Australian families. As some of you know, at the age of 16 I lost my father to a massive heart attack. My father, Allan, was only 61 when he died and it was hard growing up without him. A lot of stress was placed on my mother, my brother and me. He missed my wedding, my brother's wedding and, of course, the chance to get to know his grandchild. I would love to have been able to share my current experiences—and, in fact, all of my experiences with him. I never got to experience my father with me as an adult, and am unable to ask for his advice on anything I do as an adult.

Fortunately, the ACT government is taking steps to address CVD in our community through initiatives such as promoting healthy students, college health coordinators and the kids at play program. ACT Health's eat well ACT, a public health nutrition plan launched in September 2004, provides a strategy to improve the dietary health of all Canberrans. Healthpact also does great work in the area of health promotion, particularly through events such as the Healthpact Australian Masters Games and the health promotion awards, which will be held tonight.

Finally, a very big thank you goes to everyone who attended my annual healthy red breakfast this morning and wore red. This is the third year I have hosted the breakfast, and it seems to be growing bigger every year. It was wonderful to see so many people from the Heart Foundation and the Assembly attend. Thanks go especially to Lisa Brill for all her hard work in organising it. So far we have raised about \$120, which will all go to the Heart Foundation. If you were not able to make it, we still have muffins left!

### **Development applications**

**MR SESELJA** (Molonglo) (11.21): Yesterday the planning minister presented the Auditor-General's report into the development application and approval process. I am still making my way through that. I wanted to highlight a few of the points that have come out of it so far. There are some significant issues raised by the Auditor-General in relation to the development application process. I want to take the Assembly through some of the key recommendations, or certainly the key findings.

They include that the DA process is not well integrated across various agencies; referrals to other agencies do not occur in a consistent manner; much of the assessment process is not well documented; quality control for document management was poor, especially with hard copy files; many DA decisions did not meet statutory timeframes; the time taken for a large number of single residential DAs took 60 days, when the statutory timeframe is 30 days; many exceeded 100 working days; performance against statutory timeframes in some cases may be inappropriately enhanced by procedures such as asking the applicant, close to the statutory due date, to apply for an extension of time; and pre-application processes can be very time consuming.

In relation to consistency with guidelines and legislation, the Auditor-General found that data provided by the authority shows an average of 14 per cent of single residential DAs and 28 per cent of non-single residential DAs failed to meet statutory timeframes during

the period July 2002 to March 2005. Of the sample that the Auditor-General examined, 70 per cent of non-single residential DAs failed to meet their statutory timeframes.

It continues on to say that guidance material for staff and applicants is so extensive that it can be difficult to understand; checklists, which are designed to ensure consistency with legislation and guidelines, are not used consistently and are not always completed; fees are not clearly identified on DA forms and, due to the absence of receipt numbers recorded, it could not be demonstrated that all payable fees and charges have been collected. Consultation occurs but much of it is of reduced value because ACTPLA fails to provide feedback on comments and input, and often consultation occurs too late in the process to make any real difference to the outcome of a project or issue.

These are just some of the findings that came out of the report. As I have said, no doubt there is much more. As I make my way through it, no doubt we will want to keep the people of the ACT informed as to the real state of the development application process and some of the real concerns around that.

Much of what we have been hearing from people looking to extend, from people looking to build, from builders and from people involved in the planning process, is reflected in this report. I guess the real message is that the minister can no longer say it is just the usual suspects, that it is just the opposition whining on about this and that.

The Auditor-General, who we would all agree is fairly objective in her approach, has brought down a fairly damning indictment of the processes. As I say, the report reflects a lot of the concerns that have been expressed to my office over the period in which I have been in this place.

I want to put on the record that this confirms that, and that I do not think anything in the report would be a surprise to people who have been closely involved in the planning process, but it may well be a surprise to many residents of the ACT who have not been involved in it. I think it is important that we put that message out there.

The other aspect of this is that it requires a response. It requires a serious response from the minister and from the government. I know there is a review of the legislation going on. That is important, but this report goes to a lot of procedural flaws.

**MR SPEAKER:** The Auditor-General's report will also be in front of the public accounts committee.

**MR SESELJA:** So I cannot speak to it?

**MR SPEAKER:** It is the adjournment debate, and we are usually fairly flexible on that. If you are anticipating a discussion of it in the public accounts committee, it might be a whole wasted effort on your part.

**MR SESELJA:** Thank you, Mr Speaker. I think it brings to light the importance of some of the procedural flaws highlighted in this report, and it requires a response from government. I look forward to that process taking place, and I look forward to a significant response from this minister to what is quite a damning report.

## Theodore primary school

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.26): I would like to speak briefly today about a visit to the Theodore primary school, where I got to see first-hand the ways in which schools meet the needs of our children and young people.

Some members may have seen an article in the *Canberra Times* in late April regarding the school's community garden project. The project came about because the staff and community at Theodore primary school wanted to do more to address the needs of students who had ongoing difficulties in academic, social and behavioural areas and who were disengaging from school. They knew that addressing these issues at the primary school level was vital to ensuring that these kids got the best opportunity for their future education.

In 2003, Theodore primary school developed a mentoring program, in partnership with Menslink, under which volunteers came to the school to work with children on the garden project. Mentors were recruited as volunteers by Menslink and worked with the students under the supervision of a teacher. Groups of year three and four students were selected to participate in the program, each group a mix consisting of students targeted as in need of assistance, as well as positive role model students.

The students designed the perimeters of the school's garden and were involved in the construction of fences, garden beds, a poultry shed and a compost facility, and planting. They then marketed the garden to the whole school, and each class was given their own garden bed for further development.

The community garden has yielded great results for both the individual students involved and for the whole school, including:

- improved behaviour displayed by boys in the program;
- improved social skills, particularly student relations with adults and girls;
- environmental education and other cross-curriculum benefits of the garden; and
- opportunities for the students to develop and demonstrate leadership skills.

Students who were once in danger of disengaging from their education now proudly take their families to school to admire their handiwork. An important element in the success of the Theodore primary school mentor program has been the significant support of the school and wider community.

Theodore primary school is another great example of the work being done in our schools. Every day our schools are developing our children as individuals and preparing them to take their place in society.

Following on from that, this week I received a lovely letter from a grandparent of a young girl in our school system. I will not read the letter out, but the nature of the story was that the grandmother had custody of this young girl, who had a range of disabilities

and support needs. It was very difficult for the grandmother to take this child to school, as she lived over the other side of town, but she did not want to upset or move her from her local school, which she had been attending for many years.

The letter outlines the efforts the school went to to make sure that the young girl could continue at the school, including a teacher picking her up every morning and driving her to school and picking her up and taking her home every afternoon. The grandma has written to me saying that she would like the extra work that went on at the school to enable her granddaughter to continue at her school to be recognised and appreciated.

She talks about attending a birthday party for one of the students at the school and how, when she went there, lots of the teachers associated with the school were also at the birthday party, and how it made it a really special time for the students, who were dealing with a range of disabilities and difficulties.

I will finish by reading a bit of the letter, not identifying anyone other than the school. Of course, it is Narrabundah Primary School and the teacher being recognised—not only the principal and other teachers—is Mrs Meg Dudok. She is the teacher who picked up this child every day and took her to and from school. The grandmother writes:

I know there are other nice schools and teachers of course, but these people each and every one of them has helped me in so many ways.

She goes on to say that they have helped her granddaughter to become as well adjusted a child as she can ever be, taught her up to her full potential, encouraged her to take up music, join in sport and respect others' feelings and differences, and have prepared her well for the next big step into high school. The letter continues:

Thankyou for taking the time to read this, but I could not just accept all Narrabundah Schools help and support without this acknowledgment. Under the leadership of Mrs Trish Keller and her dedicated staff this school must be one the Education Department are very proud of.

## **Chief Minister**

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.31): The Canberra community is, I think, questioning more and more the judgment of our Chief Minister, and yesterday we had confirmation of this trend. I would like to quote from the RiotACT website which posted an article yesterday titled “Comrade Stanhope calls us hypocrites, again”. It reads:

In his ongoing attempts to portray himself as a humourless loony with no sense of probity our Brave Leader has put out a media release “proving” that Liberal MLA Wild Bill Stefaniak is also a graffitist. Mr Stanhope would seem to be hoping that when we see the error of our ways we’ll agree that young Aidan Bruford should be allowed to continue his glittering career as an ALP apparatchik.

Sadly the Chief Minister’s lackeys are too busy planning a New Jerusalem to put the media release online but I’ve gone to trouble of learning a whole bunch of new programs on my shiny new laptop to bring you the contents. Firstly we have the incriminating evidence:

There is a picture of Mr Stefaniak standing in front of the Kosciuszko Avenue sign out at Palmerston in his ongoing campaign to get “Kosciuszko” spelt correctly, which I think Mr Stefaniak was successful in doing. The article continues:

If you are completely insane (in addition to being a moral relativist) you might well equate a gesture like this, in daylight, for publication in a major daily newspaper, with repeated clandestine spray painting.

The gobsmacking text below again leaves half a doubt in my mind if the Chief Minister isn't being very, very funny, or if he's just stark raving bonkers.

**MR SPEAKER:** The imputation there remains an imputation, even if you are quoting from a document outside of this place, Mr Smyth. So I caution you about making personal imputations against members and using as an excuse that you are quoting from a document outside. I will not allow that.

**MR SMYTH:** I thank you for the caution, Mr Speaker. I will not read the press release because I do not think I will have time, but an interesting commentary followed. There are nine different people who have logged on and commented. Comment number one reads:

If I was the Chief Minister's adviser, I would have strongly urged him not to go ahead with publishing the above article on “graffiti vandalism”, because it has the potential to do him more harm than good.

Comment number two says that, “I too had thought this was something we might all have wanted to put behind us.” Comment number three is, “If he wanted to make a statement he should have just said it.”

Comment number four says, “Wasn't me”—and there is a bit of banter between a couple of people on the net. Comment number five reads:

Also, as the picture was in the paper and no-one minded at the time, I think we can safely conclude the public don't view the two things as equal.

Furthermore Bill has been re-elected, despite the public being aware of his “actions”. So it is normal to consider such a member forgiven by the electorate.

Number six—a comment by “Thumper”—reads:

Has the Comrade completely lost it? Or is in dire need of some new advisers?

I know he regularly plumbs the depths of arrogance, rudeness, stupidity and pettiness, but this is the Marianna's trench of pettiness.

What in the world could he be thinking? I heard him on the radio yesterday and he was seriously giving it both barrels as if Wild Bill had committed some heinous crime.

Much better if he had come out in the press and made a joke about it. He wouldn't have come off looking like a fool and everyone would have laughed with him, as opposed to at him.

First we have Corbell taking off around the world to look at suburbs and gardens, and now this. Oh, by the way, whatever happened to the \$10 million that was promised during the election for public housing?

I know I have criticised Stanhope before and will continue doing so but this time I'm frankly astounded.

Comment number seven reads:

And I thought that there would be more efforts by the Chief to explain the recent budget...digging up an article from the bowels of the press clipping archives that the ALP have amassed over the decades just displays how insignificant we must look to rest of Australia.

Mr Stanhope, please stick to running the local council, that's what the public (voted on) expect you to do.

I will not read the rest, it is just banter between the two. This really calls into question the judgment of the Chief Minister, and clearly that is a view reflected by the Canberra community.

### **Holocaust Remembrance Day Graffiti**

**MR STEFANIAK** (Molonglo) (11.35): Firstly, I would like to thank the Canberra Jewish community for putting on an absolutely magnificent and very moving ceremony last night to commemorate the holocaust. I think it is crucially important that we never forget what happened in World War II—how one madman and his legions in Nazi Germany tried to exterminate a whole race of people based on religion.

Whilst there have been some horrendous examples since—I think at the ceremony Pol Pot's name and Rwanda were mentioned, and I think Ms MacDonald mentioned Rwanda yesterday—surely Hitler's attempt to exterminate all the Jews is the most appalling thing in the history of mankind. It must never occur again. We must always remember it, and I think it is crucially important that this be done. As I have said before, it concerns me—and there were instances given again last night—that in Europe, especially, there have been recent acts of anti-Semitism.

A comment was made last night about a 17-year-old French student who went to a Jewish school because, when the teacher in the state school was teaching about the holocaust, a few students indicated that it did not happen. The state school did not have the guts to say that that was wrong and tell the teacher to continue. They pulled the holocaust out of the curriculum. I think that is particularly reprehensible, too, because it indicates that people are trying to rewrite history. We should never, ever let that happen.

Finally, on that point, I think Lucy Polack's magnificent and moving talk as a survivor was quite inspiring. I was pleased to see her later because she was helped immensely by

a young man called Jan in Eastern Poland near Sobibor. I wondered if he survived, and she told me he did. He rose to a very high rank in the post-war Polish Army. Lucy has since seen his family. She corresponds regularly with his widow and has seen his two sons. There was at least a happy ending to the harrowing tale she told. A remarkable lady, she is doing a book on it soon.

Mention was made of the war in Europe finishing. On a personal note, I received a very interesting email from a fellow whose father and mine were in the same prison camp, which described how they were liberated on 29 April. It was something I was not aware of. I thought my father was liberated by the British, rather than by the Americans. He never talked much about the war. Again, that was interesting. It was pretty much the 60th anniversary.

I certainly thank Tom, whom I will be meeting, for photos of that liberation. It involved a fire fight between the SS and the American seventh army outside the prisoner of war camp, where a young Polish second lieutenant died on the eve of the liberation—thankfully not my father. That was sad, when he went through all that. Tom is going to bring the pictures around, and I thank him for that. We should certainly never forget World War II and its atrocities, or indeed the very brave actions of so many allied soldiers, airmen and naval personnel during that battle.

There is just one thing. Mr Smyth has read out something about Mr Stanhope's absolute nonsense in relation to a point I made back in 1995, which I did not think anyone worried particularly about at the time—but someone might have. I think I had one call saying there was a problem, but it was certainly widely publicised to make a point. Might I indicate, for Mr Stanhope's benefit, that I remember clearing off the "z". In fact, I remember seeing two smudges on the sign and thinking, "I'll clear those off too." I think I left the sign in better condition than I found it in.

I might also commend to Mr Stanhope on how to run a budget a bit better. On that particular issue, when the New South Wales institute put the "z" back into "Kosciuszko", the Carnell government sent letters out to the streets asking if they wanted us to take down all the signs and put them up with the correct spelling, or if they would rather we do that when the signs needed repairing. Most people who answered said that we should do it when the signs needed repairing, because that was much more cost effective, so we did that. That is a little matter, but a helpful hint on how to run urban services, which the previous government was a lot more efficient at doing than the current one is.

I do not particularly care. I think what Mr Stanhope did there was utterly childish, trying to draw attention away from the budget or something else. I do resent one thing he said on radio, but the rest of it I think is childish. People have commented on that, and I will not dignify it with any response. When it was indicated to him: "Oh, but Mr Stefaniak rubbed off the 'z'", he said something to the effect of, "Do you believe that?" or, "If you can believe him." I certainly take some offence at that—as does my wife. I would ask him to be a little bit more circumspect. I do not mind political points, even if they are cheap political points, but I think you need to draw a line somewhere.

**Community arts  
Starlight Foundation**

**MRS BURKE** (Molonglo) (11.40): There are a couple of things I would like to bring to the house's attention. Firstly, I must thank Ms MacDonald and her staff—particularly Lisa Brill—for the third annual breakfast for the Heart Foundation. The room looks prettier and prettier each year, Ms MacDonald. All power to you on that one. We are looking forward to the fourth annual breakfast.

Another thing I would like to bring to members' attention—those interested in the arts will appreciate this—is that I had the great pleasure of launching a ceramic and arts exhibition entitled *Joy*, which is well worth a look. The exhibition is a culmination of personal insight and research done by Narelle Fulwood and Leanne Stahl, whose exhibition aims to discover a distinction between happiness and joy.

We all know how easy it is to become too busy and self-absorbed. It is important to look at ways to help us to take time to reflect upon our own personal faith, learn to develop our personal talents and feel secure in ourselves to express these freely. The show includes luscious mixed media, acrylic collages and elegant full-bodied, lustred vessels. The intention of this exhibition is to bring hope and joy to our community in the midst of outer uncertainties in world events and inner daily struggles.

It is worth a look—I know it is down in the valley—by anybody who knows Tuggeranong and the wonderful work done by the Tuggeranong Arts Centre and the community centre there. The exhibition continues from 5 May to 15 May. It is open from 9.00 am to 5.00 pm on weekdays and from 1.00 pm to 4.00 pm on weekends at the Tuggeranong Arts Centre, on the corner of Cowlshaw and Reed Streets, Greenway. For those listening, you can contact them on 6293 4113.

Last but not least, I would like to talk about another important day. This is the day of fundraising efforts for the Starlight Foundation. Star Day is a vital fundraising day for the foundation to raise funds to support fantastic children's programs.

Star Day is vitally important to help us raise much-needed funds to brighten the lives of seriously ill and hospitalised children and their families. With around 600,000 children hospitalised in any given year, Starlight is always there to help brighten their lives. Star Day is a fantastic opportunity for us all to offer our support—both financially and, if we can, by becoming volunteers.

I would say that a vote of thanks is in order for all the volunteers, who show their unwavering support for the important community work of the Starlight Foundation. We all know how much physical stress and emotional strain can be placed on a family when a child is hospitalised with a serious illness and is undergoing the rigors of treatment. This has an impact on a child experiencing the joy of childhood.

It is the challenge of Starlight to bring smiles to the faces of children who are hospitalised and to provide a distraction from the pain and boredom by offering fun activities and entertainment. Certainly I can speak from personal experience, having

watched my sister taking her niece, who unfortunately passed away at the age of 17, when she had cystic fibrosis.

It is good to know that organisations like this really do fantastic work to support those in our community who struggle in this way, particularly young children. Just a little help from all of us can make all the difference in significantly impacting in a positive way on the lives of children who are hospitalised with serious illnesses.

### **Old Parliament House**

**MR MULCAHY** (Molonglo) (11.44): I would like to utilise this occasion to draw to the attention of the Assembly the fact that Monday will mark the 78th anniversary of old Parliament House. Old Parliament House was described by the former federal minister for communications, Senator Alston, who is now Australia's High Commissioner in London. He said:

Old Parliament House is to Canberra what the Opera House is to Sydney—a key cultural icon for both Canberra and the nation.

It is worth noting for historical purposes that the old Parliament House opened in 1927 and served as the home of federal parliament until 1988. In Canberra's earlier years the house was the social, geographic and political heart of the new Australian capital.

As one who had the opportunity to work in that building in my younger years, it was an atmosphere that has never, I do not think, been successfully replicated in the new federal parliament, despite the rather grander and more resourced facilities available to government and opposition members.

The 60 years during which old Parliament House served as a working parliament was a time of enormous change for Australia. The country grew from an imperial dominion to a nation in its own right. Over that time, old Parliament House was the theatre in which the politics of the day were played out and momentous decisions made.

With federation in 1901 came the decision to establish a new seat of government for the commonwealth parliament, when things were moved from Melbourne in due course. After a nine-year battle over suitable sites, the Yass-Canberra region was selected in late 1908. Once the site of the new capital was agreed upon, an international competition for its design was launched in 1911.

As members would all be aware, out of the 197 entries, the design presented by Chicago architect Walter Burley Griffin, a student of Frank Lloyd Wright, was chosen. His work, of course, is now legendary both here and in Chicago—a city with which we ought to develop stronger links because of the architectural and historical links we have.

Following World War I, the Federal Capital Advisory Committee was established and was able to get the project, which had been stalled, back on track. Because of the tight timeframe and budget, the committee decided it would be best to erect a provisional building to be situated immediately below Griffin's proposed site for the house.

It was agreed that the building would serve as parliament house for no more than 50 years—“temporary” is an interesting term—and commonwealth architect John Smith Murdoch was promptly appointed, who then began work on an appropriate design. Murdoch’s approach was to design a fairly plain, stripped classical house, vastly different from the plan designed by Burley Griffin.

While the building is important because of the events that occurred here, it is also significant in terms of architectural values. Murdoch worked with his stripped classical style, common in government buildings in the 1920s and 1930s.

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

**The Assembly adjourned at 11.47 am until Tuesday, 21 June 2005 at 10.30 am.**

## Incorporated document

### Attachment 1

#### Document incorporated by the Minister for Education and Training

Mr Speaker, I am pleased to present the *Ninth Report on Performance in Indigenous Education*. In presenting this report I would like to begin by acknowledging the country we are meeting on - the lands of the Ngunnawal people, the traditional owners. I respect their continuing culture and the unique contribution they make to the life of this area.

Regular reporting on this important issue was initiated in 2000, with a total of nine biannual reports now having been tabled. This report covers the period from 1 March to 31 August 2004.

The Stanhope Government continues to demonstrate its commitment to public reporting on Indigenous Education in ACT Government schools. At the centre of this commitment is a determination to improve outcomes for Indigenous children and young people through the implementation of the *Social Plan* and, in the education sector, the *Within Reach of Us All, Services to Indigenous People Action Plan 2002-2004*. This Plan supports the Stanhope Government's vision that all people reach their potential, make a contribution and share the benefits of our society. We continue to work towards addressing disadvantage and social exclusion, and are making gains over time with Indigenous children, young people and their families.

This report is set against the four commitments in the *Services to Indigenous People Action Plan 2002 – 2004*. The major commitments of this plan centre on valuing diversity, forming community partnerships, creating culturally inclusive environments, and improving educational outcomes for Indigenous students. Mr Speaker, I would like to draw to the attention of Members, several significant points in relation to these commitments.

In the six-month period covered by this report, the number of Indigenous employees in the Department of Education and Training increased from 35 to 46, including principal level positions.

Indigenous Home School Liaison Officers reached the final stages of study towards the Certificate IV in Community Studies during this reporting period. These officers have responsibility for a range of sensitive issues and are key players in connecting schools with the families of our Indigenous students. The studies they are undertaking are building their personal capacity and record of achievements, and will further assist in their work within the community.

The department also made significant progress in forming genuine and ongoing partnerships with Indigenous communities. Staff of the Department of Education and Training and other government agencies have held discussions with the Ngunnawal Country Indigenous Women's Circle Meeting, and involvement with this group will be ongoing. This venture strengthens links between government agencies and the wider local Indigenous community.

Additionally, staff across a range of areas within the Department of Education and Training have worked hard at developing new, and strengthening existing links with

local Indigenous communities. This has resulted in a closer relationship with the ACT Indigenous Education Consultative Body.

As I have mentioned, the Home School Liaison Officers are facilitating closer links between schools and Indigenous families through their program of home visits and associated meetings. During this reporting period, 209 visits were made by the Home School Liaison Officers where issues such as academic progress, attendance and home-school communication issues were discussed. It should be noted that whilst these visits are often of a corrective nature, the staff also take pride in sharing positive school stories and achievements with Indigenous families.

The Indigenous community continued their involvement with the Birrigai Outdoor School, especially in relation to the Leadership and Mentor Camp and the Birrigai Boys Program.

NAIDOC week again presents opportunities for schools to experience Indigenous culture and to forge stronger links with Indigenous families in the community. This is an important element in creating safe, supportive, welcoming and culturally inclusive educational and service environments.

The continued good work of the staff of the Koori Preschool programs in building relationships with Indigenous communities has resulted in a significant rise in the number of Indigenous children attending Koori preschools and mainstream preschools. Enrolments rose from 80 in August 2003, to 101 in August 2004.

During the reporting period the government allocated funding under the 2004-08 budget to extend the Koori Preschool program. This means that an additional 1.5 Classroom teachers and 1.5 preschool Indigenous Home School Liaison Officers will be employed.

Koori Preschool will expand from offering one session at four sites to two longer sessions at five sites. As a further result of this expansion, educational resources for loan by Indigenous families and an expanded program of support to Indigenous children in mainstream preschool settings are being developed.

In addition to this, the Government also allocated funding under the 2004-08 budget to extend the Indigenous Literacy and Numeracy Consultancy program. This will have the effect of increasing staff significantly for this important program.

While these additional resources will be primarily directed to supporting Indigenous students who fell into the lowest 20% in the Year 3 ACT Assessment Program results of 2004 it is anticipated that they will have a much wider role on impacting on Indigenous student Literacy and Numeracy.

I will report more on this in the tenth report to the Assembly when more quantitative information will be available.

These initiatives will also support other innovative programs such as the Birrigai Boys Program, the Indigenous College Transitions Officer Program and the Teachers of Indigenous Students Network, and will have positive effects on the educational outcomes of Indigenous students.

These are just some of the ways in which our schools are demonstrating their ongoing commitment to improving outcomes for Indigenous students and assisting

Indigenous children and young people to achieve outcomes equitable to the total population.

Mr Speaker, this report discusses the outcomes of a number of Indigenous educational programs and initiatives. While we can acknowledge that some progress has been made over the six-month period, much more remains to be done. Indigenous students continue to have higher rates of absenteeism than their non-Indigenous peers. This is an issue of ongoing concern, which my department is tackling through strategies including the Home School Liaison Officers, Individual Learning Plans for students in need of support, and the Leadership and Mentor Program for secondary students.

With the concerted, whole of government approach to Indigenous issues, I am confident that greater benefits and results will manifest more clearly over time. I look forward to reporting to you on the continuing gains for Indigenous students and their families.

Mr Speaker, this report, like previous reports, is of prime importance to the ACT Government. We are committed to improving and enhancing the lives of the local Indigenous community and their young people through education. We support the national approach of Australian governments working together to address Indigenous disadvantage.

I commend the *Ninth Report on Performance in Indigenous Education* to members of the Assembly.

## Schedule of amendments

### Schedule 1

#### Long Service Leave Amendment Bill 2005

##### Amendments moved by the Minister for Industrial Relations

1

Clause 8

Proposed new section 3

Page 7, line 6—

*omit proposed new section 3, substitute*

3

**Entitlement to long service leave**

- (1) An employee who has completed 7 years service with a single employer is entitled to long service leave for the period of the service.
- (2) An employee is entitled to long service leave for each consecutive 5 years of service completed by the employee after the end of the 7th year of service.
- (3) An employee's entitlement to long service leave for a period of service arises at the end of the period.

2

Proposed new clauses 8A and 8B

Page 8, line 3—

*insert*

**8A Section 11B heading**

*substitute*

**11B Pay for ineligible service after 7 years**

**8B Pro rata long service leave entitlement**

**Section 11C (1) (b)**

*omit*

10 years

*substitute*

7 years



## Answers to questions

### Public service—staff and services (Question No 73)

**Mr Berry** asked the Minister for Health, 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 Corbell:** The answer to the member's question is as contained in the attached schedule.

Note that in response to question 2 (g) the number shown is for contractors and consultants (not staff) engaged to provide services as described in response to question 3.

	<i>Question on Notice No 73 Wayne Berry - Notice Paper No.6 of 17 February 2005</i>	<i>Response to Question on Notice No 73 Wayne Berry</i>	
Q1	Total Number of Staff	A1	5375
Q2	Number of:		
Q2(a)	staff expressed as FTE	A2(a)	4501.11
Q2(b)	permanent part-time staff ( headcount)	A2(b)	1455
Q2(c)	Casual Staff	A2(c)	473
Q2(d)	Casual Staff employed for one or more years*	A2(d)	292
Q2(e)	Casual Staff employed for five or more years	A2(e)	51
Q2(f)	Staff employed on AWA's	A2(f)	160
	* includes those who have been employed for five or more years		
Q2(g)	Number of staff employed as Contractors and Consultants	A2(g)	522.75
Q2(h)	Number of staff employed for more than three months as Contractors and Consultants	A2(h)	211
Q2(i)	Number of Labour hire firms	A2(i)	37
Q2(j)	Staff employed through labour hire firms	A2(j)	13
Q2(k)	Staff employed for one or more years though hire firms	A2(k)	4
Q2(L)	Staff employed for five or more years though hire firms	A2(l)	9
Q2(m)	Contracts containing labour hire component	A2(m)	391.76
Q2(n)	Contracts with no labour hire component	A2(n)	59
Q2(o)	Services outsourcers, whole, in part or unidentified	A2(o)	167
Q2(p)	Contracts directing appropriate award usage	A2(p)	8

Q2(q)	Contracts which involve subcontracting	A2(q)	5
Q2(r)	Contract with permission or non-permission clause for subcontracting	A2(r)	5
Q2(s)	Contracts requiring award usage subcontracts	A2(s)	1
Q3	Types of services provided	A3	VMO = 181; Agency Nursing Staff = 279.76; Architect = 2; Administrative = 4; Energy Monitoring = 1; Maintenance = 1; Fire Audit = 1; Clinical Supervision; Courier = 2; Locum Doctors = 4; Clinical Waste Removal; Paper Waster Removal; Consultancy Reviews; Medical Services; Provision of Prepared Meals for Inpatients; Training in Psychiatric Mental Health Nursing; Research Activities; Counselling Services; Home Help Services; Staff Training; VMO Services; Translating and Interpreting Services; Carer Services; Labour Hire Firms; Official Visitor Services; Rehabilitation Services; Advice and Administration; Psychological Services; Data Entry to Cancer Council Registry; Risk Management; Internal Audit; Writing and Editing.

### Public service—staff and services (Question No 74)

**Mr Berry** asked the Minister for Planning, 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) contacts directing appropriate award usage, (q) contracts which involve subcontracting, (r) contacts with permission or non-permission clause for subcontracting and (s) contracts requiring award usage for subcontractors; and
- (3) types of services provided.

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

#### Land Development Agency

- (1) 38

- (2)
- |     |   |
|-----|---|
| (a) | 37.6  |
| (b) | 2   |
| (c) | 4   |
| (d) | nil   |
| (e) | nil   |
| (f) | 3   |
| (g) | 14  |
| (h) | 11  |
| (i) | 12  |
| (j) | 12  |
| (k) | nil   |
| (l) | nil   |
| (m) | 12  |
| (n) | 173   |
| (o) | nil   |
| (p) | nil   |
| (q) | 6   |
| (r) | LDA contracts generally contain a clause stating that consultants/contractors will not sub-contract without prior agreement by the Agency |
| (s) | nil   |

(3)

- Accounting Services
- Architectural Services
- Audit Services
- Concept Planning
- Construction Superintendency
- Cultural Planning Study
- Demolition & Remediation Services
- Design & documentation
- Design & Planning Studies
- Development & Planning Studies
- Earthworks
- Electricity Reticulation
- Engineering Services
- Estates Planning
- Financial Management Services
- Geotechnical & Environmental Investigations
- Groundwater Monitoring
- Indigenous Heritage Studies
- Infrastructure Design & Construction
- Landscape and Tree Survey/Assessments
- Landscape Design
- Lease & Development Conditions
- Legal Services
- Market Research
- Marketing
- Planning, Environmental, Geological, Feasibility and Financial Studies
- Preparation of Master & Control Plans
- Project Management Services
- Public Art Project

- Reception services
- Relocation of Gas & Electricity Services
- Remediation
- Retail Study
- Rural Management
- Site Investigations and Analysis
- Site Design and Documentation
- Site Planning Studies
- Site Residential Study
- Survey Services
- Tree Assessments and Removal
- Urban Planning Study
- Valuation Services

#### **ACT Planning and Land Authority**

(1) 310.5

- (2)
- |     |        |
|-----|--------|
| (a) | 189.00 |
| (b) | 19.7   |
| (c) | 1.8    |
| (d) | 1.0    |
| (e) | 1.0    |
| (f) | 5.0    |

(Note that in relation to the answers to Questions (2) (g) to (s) hereunder, the information sought is not specifically held on the contract database and register and it has been necessary to extract the information from files manually. Every effort has been made to ensure the accuracy of the information but this cannot be absolutely assured.)

- |     |   |
|-----|---|
| (g) | 9 contractors; 5 consultants  |
| (h) | 4 contractors; 4 consultants  |
| (i) | 5   |
| (j) | 9   |
| (k) | 1   |
| (l) | 0   |
| (m) | 7   |
| (n) | 79  |
| (o) | 1 (in part) – printing and photocopying; 0 (in whole); 0 (unidentified)   |
| (p) | 0   |
| (q) | 0   |
| (r) | All ACT Planning and Land Authority contracts contain the clause ‘The Contractor/Consultant will not assign or subcontract the whole or part of this agreement without the prior consent of the Territory’. |
| (s) | 0   |

(3) The ACT Planning and Land Authority provides the following types of services:

- Administers leases on behalf of the Executive;
- Administers the Territory Plan;
- Compliance;
- Coordinates site selections for major Territory projects;

- Decides on applications for approval to undertake development;
- Ensures community consultation and participation in planning decisions.
- Land supply strategy;
- Maintains the digital cadastral database;
- Manages land assets on behalf of the Territory;
- Plans and regulates the development of land;
- Prepares and advises on planning and land policy;
- Provides administrative support and facilities for the Planning and Land Council;
- Provides planning services, including to entities outside the ACT;
- Provision of geographic information;
- Regulates the building industry;
- Urban design advice.

#### **ACTION Authority**

(1) 796

(2):

- |     |       |
|-----|-------|
| (a) | 677   |
| (b) | 141.6 |
| (c) | 21.4  |
| (d) | 10    |
| (e) | 1.5   |
| (f) | 0     |
| (g) | nil   |
| (h) | nil   |
| (i) | nil   |
| (j) | nil   |
| (k) | nil   |
| (l) | nil   |
| (m) | 9     |
| (n) | 48    |
| (o) | 26    |
| (p) | nil   |
| (q) | 9     |
| (r) | 9     |
| (s) | 3     |

(3):

- plant and property maintenance
- capital expenditure evaluation
- external benchmarking
- legal
- computer services
- public hearings and submissions
- internal evaluation and workplace issues

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#### **Public service—staff and services (Question No 81)**

**Mr Berry** asked the Minister for Police and Emergency 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 firms, (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:

- (1) This information is available from the Department of Justice and Community Safety Annual Report 2003-2004, as well as the Commissioner for Public Administration's State of the Service Report.
- (2) a-f This information is available from the Department of Justice and Community Safety Annual Report 2003-2004, as well as the Commissioner for Public Administration's State of the Service Report.  
  
g-s There is currently no information specifically held on the Basis information system which can provide the details you require, nor is the information held in readily accessible form in ACT agencies. It would be necessary to manually extract the information from each of the agencies' files. There is no guarantee the information sought would be on file and any reports compiled would therefore not necessarily be accurate.
- (3) The types of services provided include ACT Ambulance, ACT Bushfire, ACT Emergency, ACT Fire Brigade, aero-medical rescue service, administrative support, procedures development, fire investigation, hazardous materials incidents, road awareness and accident prevention program, urban search and rescue, juvenile fire awareness and intervention program, fire education, staff development and training, financial management, facilities management, payroll and personnel, and procurement and fleet management.

**Motor vehicles—home garaged  
(Question No 229)**

**Mrs Dunne** asked the Minister for Health, 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:

The answer to the Member's question has been investigated and all ACT Government plated vehicles managed by ACT Health, currently being home-garaged have been identified and presented in the attached document. Each ACT Health Division is identified separately. The vehicles home-garaged by officers not on-call is done so as to provide security for the vehicle as secure parking is limited within ACT Health managed building. Vehicles are also home garaged occasionally when officers are required to attend evening or early morning meetings.

The question (3) (c) (i)-(ii) relating to the number of kilometers each vehicle travelled in the week commencing 7 March 2005 has yet to be finalised due to current reporting procedures where vehicle running sheets are required to be forwarded to Divisional Fleet managers within 4 weeks from the 1<sup>st</sup> of each month. This information is not yet available and will be provided as soon as available.

*A copy of the attachment is available at the Chamber Support Office.*

### **Motor vehicles—home garaged (Question No 233)**

**Mrs Dunne** asked the Minister for Urban 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) 144
- (2) 41
- (3) a) 103  
b & c) See Attachment A

<b>Area</b>	<b>Vehicles not on-call garaged</b>	<b>Non on-call vehicles suburb garaged</b>	<b>Vehicles Not on-call week of 7 March No. Kms to &amp; from work</b>	<b>Vehicles Not on-call week of 7 March - No. Kms for work purposes</b>
Corporate	1	Palmerston	75	190

Policy Compliance & Transport	1	Giralang	45	30
Fire Management Unit	6	Phillip	57	334
		Rivett	77	159
		Holder	132	184
		Dunlop	66	150
		Curtin	65	142
		Kambah	102	250
Customer Services & Information	6	Flynn	132	153
		Wanniassa	209	146
		Nth Lyneham	72	95
		Amaroo	99	220
		Kambah	72	118
		Weetangera	68	114
City Operations	37	Flynn	298	260
		Higgins	196	140
		Belconnen	32	892
		Phillip	51	849
		Fraser	174	548
		Curtin	70	390
		Amaroo	272	542
		Kaleen	80	329
		Bonython	84	684
		Richardson	131	403
		Ngunnawal	160	174
		Watson	80	277
		Fraser	250	193
		Lyons	120	68
		Queanbeyan	0*	532
		Conder	0*	899
		Gordon	0*	940
		Lyneham	0*	798
		Googong	0*	780
		Holder	0*	361
		Evatt	0*	93
		Flynn	0*	354
		Kaleen	0*	397
		Macquarie	0*	648
		Gilmore/Calwell	432	900
		Bonython	413	554
		Dunlop	87	229
		Palmerston	50	239
		Melba	64	126

		Holt/Belconnen	134	394
		Monash	126	668
		Kaleen	77	177
		Wanniassa	111	504
		Kambah	97	498
		Wanniassa	122	597
		Fisher	190	394
		Narrabundah	137	454
City Management	32	Kaleen	58	277
		Curtin	120	270
		Aranda	72	294
		Queanbeyan	146	266
		Mawson	171	293
		Queanbeyan	166	228
		Nicholls	122	422
		Wanniassa	207	94
		Evatt	60	24
		Hawker	102	278
		Holder	139	371
		Gordon	197	298
		Chisholm	46	653
		Narrabundah	51	166
		Queanbeyan	100	298
		Deakin	96	408
		Hall	66	60
		Weetangera	17	454
		Florey	32	414
		Kambah	93	467
		Narrabundah	81	464
		Calwell	25	733
		Amaroo	166	690
		Latham	57	717
		Nicholls	70	320
		Belmont Forest	551	260
		Queanbeyan	282	59
		Evatt	275	350
		Giralang	91	248
		Ngunnawal	154	528
		Aranda	6	157
		Theodore	210	441
City Services	20	Banks	170	450
		Red Hill	42	237
		Fraser	275	290
		Reid	50	200
		Macquarie	200	251
		Condor	60	263
		Queanbeyan	80	270
		Queanbeyan	100	236
		Striling	100	127

		Isaacs	75	123
		Queanbeyan	70	752
		Melba	120	518
		Richardson	75	291
		Wanniassa	144	500
		Queanbeyan	50	183
		Kambah	120	580
		Weston	90	165
		Evatt	170	250
		Kambah	120	420
		Oaks Estate	90	277
<b>DUS Total</b>	<b>103</b>		<b>11539</b>	<b>36955</b>

\* Due to the field work nature of the duties of the occupants of the positions that home garage these vehicles they are considered to be at work at all times they are in their vehicles.

### **Roads—cycle lanes (Question No 243)**

**Mr Seselja** asked the Minister for Urban Services, upon notice, on 8 March 2005:

- (1) How much money has already been spent on the provision of on-road cycle lanes;
- (2) How much funding is currently allocated to future on-road cycle lane construction;
- (3) What studies or figures are available to show (a) the level of cycling prior to on-road cycle lanes, (b) the level of use of current on-road cycle lanes and (c) projected use of on-road cycle lanes in the future;
- (4) How many complaints have been made regarding on-road cycling lanes;
- (5) How many traffic accidents/injuries/hospital treatments have been recorded with regard to the use of on-road cycle lanes;
- (6) Are there any plans to survey the use of on-road cycle lanes by cyclists; if so, when; if not, why not;
- (7) What expenditure was put towards off-road cycle lanes in (a) 2003-04, (b) 2004-05;
- (8) What is the forecast figure for 2005-06.

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

- (1) On-road cycle lanes have been installed on all new arterial roads and as separate projects for a number of years. Approximately \$1.0m will be spent in 2004-05 on on-road cycle lanes on main cycle routes identified as part of the cycle and pedestrian infrastructure masterplan. The Woden to Dickson on-road route was completed in September 2004 at a cost of \$3m. A number of on-road lanes have been Federally funded in recent years through the "Roads to Recovery" program. These projects include Belconnen Way \$600,000 and Monaro Highway southbound for \$600,000.

- (2) The ACT Government is committed to completing the main cycle route network identified as part of the cycle and pedestrian ten-year infrastructure masterplan. Funding for this will be included in future Capital Works Programs.
  - (3) The number of cyclists using arterial roads prior to on-road cycle lanes is difficult to assess as counters could not be installed without a separate lane. Counts of cyclists will be undertaken over the next year at a number of locations throughout the ACT to monitor increases in to the future.
  - (4) On-road cycling is not currently specifically identified on the complaints register and often forms part of a wider enquiry. For this reason I cannot provide you with an exact number of complaints received.
  - (5) Data on the association between a cyclist accident and use of an on-road cycle lane is not available.
  - (6) Yes, counts of cyclists using on-road cycle lanes will be undertaken over the next year at a number of locations throughout the ACT.
  - (7) There are no off-road cycle lanes in the ACT, all paths are shared with pedestrians and available for use by cyclists. In 2003-04 the total expenditure on community paths including new and existing paths was \$3.32m and in 2004-05 is expected to be \$4.03m. Existing paths are funded as part of the recurrent maintenance program with new paths funded as part of the Capital Works Program.
  - (8) The forecast figure for 2005-06, subject to the normal budgetary processes is \$4.5m.
- 

### **Bicycles—cycle path maintenance (Question No 249)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 9 March 2005:

- (1) How much funding has been provided in the ACT Government Budget in the last 3 financial years, including 2004-05, for repair and maintenance of off-road recreational/cycle paths;
- (2) In each of these years, (a) how much has actually been expended for this purpose and (b) what areas of the off-road recreational/cycle path network were repaired or maintained;
- (3) In what areas of the existing off-road recreational/cycle path network are significant repairs still needed;
- (4) Is the ACT Government committed to maintaining these off-road recreational/cycle paths on an ongoing basis for the benefit of a wide range of users; if so, what are the Government's plans for the future of this network; if not, why not.

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

- (1) The budget funds the community path network, which includes footpaths, cyclepaths and pavements around shopping centres. In the ACT cyclists are permitted to ride on footpaths and cycle paths

Year	Funds budgeted for Maintenance of Community Paths
2002/3	\$1.94 Million
2003/4	\$2.68 Million
2004/5	\$3.03 Million

- (2) The community path network is approximately 2,500 kilometres in length and The Department of Urban Services investigates over 1,000 maintenance requests per year throughout the network.

Year	Funds expended on Maintenance of Paths	Location of Repairs and Maintenance
2002/3	\$2.47 Million	Numerous areas in Gungahlin, Belconnen, North Canberra, South Canberra, Woden, Weston & Tuggeranong
2003/4	\$2.72 Million	Numerous areas in Gungahlin, Belconnen, North Canberra, South Canberra, Woden, Weston & Tuggeranong
2004/5	Target of \$3.03 Million	Numerous areas in Gungahlin, Belconnen, North Canberra, South Canberra, Woden, Weston & Tuggeranong

- (3) There are no significant sections of the community path network that are considered to be unsafe and unserviceable, however there are new defects constantly occurring on the path network. There are numerous sites where paths have been made safe with temporary repairs and are programmed to have permanent repairs / replacement. Currently there is a 3 to 6 month turn around in the programming and repair / replacement of path works as all works are of tendered in accordance with purchasing guidelines.

In some suburbs there are a large number of defects in the existing path network and replacement of the paths is recommended. Examples of this can be found in Holt, Belconnen, Macquarie, Palmerston, Dickson, Kingston, Griffith, Weston, Wanniasa, Chisholm and Banks. The replacement of paths in these suburbs will be programmed in future maintenance programs.

The community path network is under a lot of pressure and the majority of damage to the paths is caused by tree root intrusion, vehicles driving on the paths and the effects of aging. Temporary repairs are carried out to maintain public safety and permanent repairs / replacement are then prioritised and programmed within the Path Maintenance Program.

- (4) The ACT Government is committed to maintaining the off road community path network as both walking and cycling are important for recreation and commuting purposes and contribute to the fitness and health of residents. The funding of these facilities is an important component of implementing the Government's Sustainable Transport Plan.

**Development—Kingston Foreshore  
(Question No 259)**

**Dr Foskey** asked the Minister for Planning, upon notice, on 9 March 2005:

- (1) In relation to the Kingston Foreshore development
  - (a) has social housing been incorporated into the development to date,
  - (b) are there any plans to incorporate social housing at later stages of the development,
  - (c) what are the long term plans for The Causeway area in regard to social housing,
  - (d) what are the plans for social housing which more directly abuts The Causeway and
  - (e) what are the ecological sustainability design principles in relation to energy and water use reduction;
- (2) Is there
  - (a) any social housing already incorporated or planned for inclusion at East O'Malley and
  - (b) social housing included in plans for the development at East Woden; if so, how much;
- (3) Are there any large scale developments across Canberra which will require a proportion of public housing; if so, how much social housing is included;
- (4) To what organisations do you make direct grants of land and concessions on market value;
- (5) Who determines these decisions and on what criteria;
- (6) Are direct grants of land and concessions on market value available to
  - (a) community housing providers and
  - (b) ACT Housing.

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

- (1) (a) Social housing has not been incorporated into the Kingston Foreshore development to date. However, neither the planning policies for Kingston Foreshore nor the Implementation Strategy preclude it.
  - (b) At the outset of the project, advice was sought from Housing ACT on the level of public housing likely to be required within the Kingston Foreshore. Housing ACT advised that, given its extensive property portfolio in the adjacent areas, it did not require any additional acquisitions within the Kingston Foreshore with the possible exception of accommodation for aged persons in the longer term.
  - (c) The Causeway area is largely made up of Housing ACT properties. The ACT Planning and Land Authority is undertaking preliminary planning work as part of the East Lake Urban Renewal Project. The Project area includes the Causeway. The land under the control of Housing ACT will be reviewed in the context of the outcomes of the planning studies and the Public Housing asset Management Strategy.

(d) The area is being investigated as a major urban renewal site. The site has the capacity to allow a wide range of housing close to employment and other activities, including the possibility of social housing.

(e) Ecologically Sustainable Design (ESD) principles applying to the Kingston Foreshore development are extensive and have been referred to very favourably by the Green Building Council of Australia.

The ESD principles include specific strategies, targets and initiatives across all of the key areas including energy, potable water, waste, wastewater, cultural heritage, stormwater, air quality, social development, economic development, noise, construction and construction materials, soils and transport.

The specific performance targets for energy include a reduction in energy demand in residential buildings of 50% compared to conventional residential buildings. The targets for water use include a 50% reduction in water consumption over conventional designs with the average water consumption of less than 275 litres per person per day.

The application of these targets and measures has seen The Gateway development achieve:

- A reduction in CO<sub>2</sub> emissions of only 4.179 tonnes per unit far below the sustainable development target of 51.75 tonnes per unit;
- An average 4.5 star energy rating in excess of the 4 star ACTHERS requirement; and
- A predicted reduction in potable water consumption to only 150 litres per day.

Estate wide initiatives include the newly completed eco-pond (artificial wetlands) which treats stormwater from both within the estate and the external areas. The system provides primary and secondary treatment for stormwater run off from a 128 hectare catchment within Kingston, Griffith and Red Hill. Approximately 150 mega litres of run-off per annum is treated. This improves the quality of run-off into Lake Burley Griffin and provides 90 mega litres of treated stormwater for the irrigation of public parklands with a corresponding reduction in potable water demand.

(2) (a) No

(b) No

(3) The City West Master Plan includes a commitment delivering a minimum of 5% of residential accommodation to be offered for low and medium income earners, and where possible will be managed by affordable housing providers.

(4) Under the Land (Planning and Environment) Act 1991 land may be sold by auction, tender, ballot or direct grant. Direct grants of land are generally made to organisations who meet set criteria as determined by Disallowable Instruments. The Act also allows for land to be sold at less than market value to not for profit community organisations.

(5) All applications for direct grant are assessed against the criteria set out in the relevant Disallowable Instrument. All direct grant applications are assessed by the Land Development Agency (LDA) and considered by the LDA Board and Government.

(6) (a) Community organisations which are not for profit may receive land at less than market value. Approved aged care providers in certain circumstances may be eligible for some concessions.

(b) In line with the Disallowable Instrument, ACT Housing are required to pay full market value for land purchased.

**Public service—consultants  
(Question No 261)**

**Mr Smyth** asked the Attorney-General, 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:** Please refer to attachment “A” for the answer:

*A copy of the attachment is available at the Chamber Support Office.*

**Public service—consultants  
(Question No 266)**

**Mr Smyth** asked the Minister for Health, 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 Corbell:** The answer to the member’s question is as follows:

Refer to the attached schedule that provides details on consultants used to date in the 2004/05 financial year. If there is a particular report of interest please contact my office on 62050000.

NAME OF CONSULTANT	ADDRESS - SUBURB only	COST	CONSULTANCY PROVIDED
Jenny Birill	Chifley	\$1,760.00	Neurosurgery Review
Rosemary Sullivan	St Leonards NSW	\$11,530.00	Neurosurgery Review
Bernie Harrision	St Leonards NSW	\$13,808.00	Neurosurgery Review
Gorson Stuart	Thorlands QLD	\$10,556.00	Neurosurgery Review

Ross Wilson	St Leonards NSW	\$4,778.00	Neurosurgery Review
Phillips Fox	Canberra City	\$22,839.00	Neurosurgery Review
Bruce Barraclough	St Leonards NSW	\$39,212.00	Neurosurgery Review
Micheal Fearnside	Westmead NSW	\$19,919.00	Neurosurgery Review
Proact	Chifley	\$2,200.00	Neurosurgery Review
Dr Ray Naden	St Leonards NSW	\$28,810.00	Elective Surgery Review
RSM Bird Cameron	Canberra City	\$55,000.00	Risk Assessment Services and Development of policy framework
Murray Domley	Greenway	\$33,000.00	Prepare Draft Corrections Plan
Allen Consulting	Sydney	\$18,000.00	RIS - Smoking Act
Aurora Projects Pty Ltd	Sydney	\$49,500.00	Review of Sterilising Services
Omnilink	Kingston	\$9,174.00	Develop Strategic Asset Management and Spatial mapping Tool
Kerry Hudson & Associates	Adelaide	\$9,570.00	Condition Audit Services - Hennessey House
Urbis JHD Pty Ltd	Sydney	\$21,883.00	Site Assessment - Karralika
Purdon Associates	Turner	\$78,500.00	Consultative Committee Services - Karralika
Bushfire Protection Planning & Assessment Services	Narooma NSW	\$8,060.00	Bushfire Assessment - Karralika
Australian Defence Force Academy	Russell	\$3,800.00	Acoustic Assessment - Karralika
Susan Conroy	Fyshwick	\$31,508.00	Community Values and Amenity Assesment - Karralika
Bill Guy & Partners Pty Ltd	Deakin	\$13,632.00	Traffic Assessment - Karralika
Focal Point Consulting	Hackett	\$15,125.00	Acute Care Forecast Modelling
Bernie McKay & Assoc	Tweed Heads NSW	\$16,727.00	Diabetes Review
Focal Point Consulting	Hackett	\$21,175.00	Acute Care Forecast Modelling Stage 2
KPMG	Canberra City	\$48,070.00	Review of Financial Services
Melbourne Uni	Carlton Vic	\$9,900.00	Review of admin and policy framework of indigenous services and programs
Better Enterprises	Red Hill	\$6,000.00	Review of ACT Aboriginal & Torres Strait Islander Health and Wellbeing
David Mc Donald	Woden	\$1,890.00	"Paper on sources of published data on Alcohol, Tobacco and other Drugs"
Amanda Adrian & Associates	Rozelle NSW	\$26,400.00	R&D Nurse Practitioner Establishment Kit

Helen Milne	Waratah NSW	\$5,000.00	Preparation of ACT Health Workforce Plan
BVN	Canberra	\$240,000.00	Mental Health Services Planning
Jim Pearson Consulting	Canberra	\$25,000.00	Out Patients Study
John Bissett & Associates International	Bungendore NSW	\$35,200.00	Data for preparation of Clinical Services Plan
Bijou Consulting	Jamison	\$22,687.50	Nursing Classification Review
Cyrene Group Pty Ltd	Bonython	\$13,200.00	Development and Delivery of Impact Study on Report Leaders Program
McPherson Consulting Pty Ltd	Manuka	\$35,838.00	Review of Alcohol and Drug Program
Ernest & Young	Canberra City	\$8,500.00	Taxation Advice
Dr Anthony Weeks	Brighton	\$5,580.00	Anaesthetics Review
Paxton Partners	Melbourne	\$105,850.00	Review of Radiology
Paxton Partners	Melbourne	\$167,414.00	Review of Pathology

**Public service—consultants  
(Question No 267)**

**Mr Smyth** asked the Minister for Planning, 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 Corbell:** The answer to the member's question is as follows:

(1)

Consultant	Address	Cost Inclusive of GST	Description
Artcraft Research	PO Box 1675 Chatswood NSW 2057	\$5,445	Travel Behaviour Change Project - Implementation, Analysis and Reporting of Internet Study
Aust Archaeological Survey Consultants	GPO Box 943 Canberra ACT 2601	\$4,950	Jacka Concept Plan Heritage Assistance
Burnham Planning	PO Box 3717 Weston Creek ACT 2611	\$4,752	Evaluate the Uriarra Public Environment Report and Prepare Draft Evaluation Report
Cardno Willing Pty Ltd	Level 3 910 Pacific Highway Gordon NSW 2072	\$76,978	Development of Water Sensitive Urban Design Guidelines
Coffey Geosciences Pty Ltd	PO Box 356 North Ryde NSW 1670	\$27,495	Molonglo Urban Development Preliminary Geotechnical Study

Cox Humphries Moss	22 Jardine Street Kingston ACT 2604	\$5,500	Initial Planning Principles Advice at Jacka Concept Plan Workshops
Expert Client	Suite 1, 1st Floor 53 Bowman Street Macquarie ACT 2614	\$38,555	Development Control Plan Flemington Road Corridor
Fulton Technology	PO Box 3207 Manuka ACT 2603	\$5,000	Develop a link from Property ACT's PRMS to ACTPLA's PALM System to download data on an automated Basis
Interludium Environmental	66 Woolner Circuit Hawker ACT 2614	\$4,847	High Technical Advice to the Development Team
Irwinconsult Pty Ltd	20-22 Walder Street Belconnen ACT 2617	\$24,200	Crace Residential Estates Traffic Study
Kandream Digital Studios	PO Box 154 Mitchell ACT 2911	\$1,053	Interim Apartment Guidelines- Concept & Design, Artwork Setup, Project Management
McCormick Rankin Cagney Pty Ltd	89 Grey Street South Brisbane QLD 4101	\$48,565	Preparation of Busway Station Design Guidelines
Munns Sly Architects	PO Box 93 Lyneham ACT 2602	\$18,689	Planning Policy & Review Study of Yarralumla Brickworks - Architect
Simmersion Pty Ltd	54/66 Allara Street Canberra ACT 2601	\$1,320	Visual Assessment Studies- Molonglo Valley Stage1
Susan Conroy	6 Fenton Street Downer ACT 2602	\$13,398	Planning Policy & Review Study of Yarralumla Brickworks - Cultural Planner
Tania Parkes Consultancy	51 Denny Street Latham ACT 2615	\$11,000	Social Impact assessment of Braddon Commercial Area
University of Canberra	PO Box 1 Belconnen ACT 2616	\$14,300	Study & Report: Pink-tailed Worm Lizard in the Molonglo Valley
Booz Allen Hamilton	Level 7, 7 Macquarie Place Sydney	\$92,480.00	Study into feasibility of using small vehicles to provide Demand Responsive Public Transport services in the evening, in place of ACTION Services.
Parsons Brinckerhoff	12th Floor, IBM Centre 348 Edward Street Brisbane	\$54,090.00	Concept design, Business Case and tender documentation for a Real Time Passenger Information system for the ACT.
Brown Consulting (ACT)	15 Hall Street Lyneham	\$9,130.00	Inspection of bus interchanges, and a report outlining the requirements and estimated cost to comply with the Disability Standards.
Blake Dawson Waldron	12 Moore Street Canberra 2601	\$45,421	Continuing legal services
F&A Wehrmann Consultancy	47 Camelot Court Carlingford 2118	\$4,923	Continuing services re CNG bus acceptance
Fleet Strategies Pty Limited	PO Box 258 Kippax 2615	\$50,011	Continuing services re maintenance vehicle strategy
Indec Consulting Pty Ltd	Level 6/446 Collins Street Melbourne 3000	\$35,528	Benchmarking Report against other operators

(2) The reports have been prepared for the Government to inform various projects and have not been made available to the public.

**Public service—consultants  
(Question No 273)**

**Mr Smyth** asked the Minister for Urban Services, 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 Hargreaves:** The answer to the member's question is as follows:

- (1-2) This information will be available in the 2004-05 Annual Report.
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**Public service—consultants  
(Question No 274)**

**Mr Smyth** asked the Minister for Police and Emergency Services, 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 Hargreaves:** The answer to the member's question is as follows:

- (1) and (2) This information will be published in the annual reports for 2004 - 2005.
- 

**Herbicides—use  
(Question No 279)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 10 March 2005, redirected to the Minister for Urban Services:

- (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:

On the Notice Paper of 10 March 2005 you asked a question in relation to herbicides. You originally asked this question of both myself and the Minister for the Environment.

As this matter falls within my portfolio agreement was sought to transfer QON 279 to me. I signed a response to your question on 12 April 2005, however that response did not specifically refer to QON 279. I would like to confirm that the response to QON 280 provided to you also responds to QON 279.

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### **Housing—complaints (Question No 291)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 10 March 2005:

Are Housing Managers in Housing ACT required to respond to all written or electronic forms of communications from members of the community, including public housing tenants, outlining a complaint with services offered by Housing ACT.

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

Yes

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### **Roads—speeding infringements (Question No 304)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 15 March 2005:

- (1) Further to the reply to question on notice No 167 in relation to mobile speed cameras, why was there such a large discrepancy between the number of invalid or incorrectly issued infringements for 2002-03 and 2003-04;
- (2) Why does the Department of Urban Services not have a record of how many infringements considered by the Magistrates Court were set aside or determined to be invalid in (a) 2002-2003, (b) 2003-2004 and (c) 2004-2005.

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

- (1) The most significant portion of the increased number of invalid or incorrectly issued speeding infringements relate to speeding offences in Dryandra Street, O'Connor. 475 infringement notices were withdrawn when it was identified that speed limit signs on Dryandra Street might have been ambiguous. Of the remaining infringement notices, one was invalid and the rest were as a result of system related errors. Training and revised procedures have now been implemented to rectify these errors.

- (2) Should the Magistrates Court set aside a traffic infringement, the decision is recorded by the Court. The AFP takes details from the Court record and updates the relevant infringement records on RegoACT. Whilst RegoACT does not provide automated reports on infringements considered by the Magistrates Court, the data is available by undertaking manual checking, which is onerous, and time consuming. The potential for addressing this issue is being reviewed. An initial manual search of the database has indicated approximately 32 infringements were withdrawn in 2003-2004.
- 

### **Roads—Civic parking (Question No 305)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice, on 15 March 2005:

- (1) Given the recent works in Civic and the removal of parking in and adjacent to section 84, Canberra City, what measures, if any, have been undertaken to provide new short-term parking places in Civic;
- (2) How many individual short-term parking places in and adjacent to section 84 have been lost as a result of these works;
- (3) What changes, if any, will be made to the current pricing structure for pay parking in Civic, given the loss of short-term parking places.

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

- (1) The ACT Planning and Land Authority has held discussions with representatives of Queensland Investment Corporation (QIC). QIC has undertaken to retain a minimum of 350 short-stay parking spaces available at all times, to replace the 320 space Bunda Street car park (Section 84 Precinct A) recently closed. At the moment this is being met by approximately 250 spaces on Precinct D (northern part of Section 84 adjacent to Cooyong/Ballumbir Streets), 40 on-street spaces in Section 84 and 230 on an additional deck over the Target car park which was constructed a couple of years ago for this purpose (520 spaces in total). The car parking on Precinct D has recently been converted from multi-stay to short-stay parking. QIC will provide a parking strategy to ACTPLA to demonstrate how it will provide on-going public parking during the development of Section 84. Upon completion of the development there will be in excess of 2,670 parking spaces within Section 84. In addition, there will be the 230 car spaces above the Target car park. QIC has advised based on the current average short term demand for car spaces in the Canberra Centre parking structures there are still approximately 570 spaces available for daily use.
  - (2) Approximately 567 short-stay parking spaces have been lost.
  - (3) Any changes to pay parking prices in ACT Government car parks will be unrelated to the loss of short-term parking spaces in Section 84.
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### **Footpaths—maintenance (Question No 307)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 March 2005:

- (1) What work has been undertaken to repair and maintain footpaths across the ACT during 2004-05 to date, by area and suburb;
- (2) How much has been expended to date for each of the above individual footpath repair and maintenance projects;
- (3) Could the above information also be provided for 2003-04 and 2002-04.

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

- (1) 18,128 square metres of footpath was repaired during 2004/5 to the end of March 2005. This information is not reported on by area and suburb.
- (2) \$2,617,567 was expended on repair and maintenance of footpaths during 2004/5 to the end of March 2005.
- (3) During 2003/4 17,280 square metres of footpath was repaired at a cost of \$2,720,117. During 2002/3 18,820 square metres of footpath was required at a cost of \$2,475,095.

### **Subaru Rally—complaints (Question No 308)**

**Mr Pratt** asked the Minister for Planning, 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 Corbell:** The answer to the member's question is as follows:

- (1) Yes. Complaints were received by the ACT Planning and Land Authority (the Authority) and the Office of Arts Heritage and Environment. The complaints relate to unapproved structures and an allegation that an unapproved Home Business was operating from the premises without approval.

In relation to the unapproved structures an assessment officer from the Authority visited the site on 23 April 2004 and 1 June 2004. As a consequence all previously unapproved structures have now been approved.

Following further complaints in early August, Compliance officers canvassed the immediate neighbourhood. None of the neighbours canvassed reported any significant ongoing concerns with the activities being undertaken in relation to a Home Business.

On 18 March 2005 Compliance Inspectors made an unannounced visit to investigate the complaint and found no indication of a Home Business.

On 9 March 2004 and again on 4 May 2004 officers from the Compliance Unit advised the complainant that complaints relating to noise are the responsibility of Environment ACT now the Office of Arts Heritage Environment. Officers from the Office of Arts Heritage Environment have attended the site on several occasions but have not recorded noise levels that were above those permitted by legislation. Officers from the Office of Arts Heritage Environment have advised the complainant to contact their office if there are further noise problems.

As of 5 April 2005 there is no record of the complainant making any further contact with the Office of Arts Heritage Environment.

- (2) No.
- (3) No. Activities of the nature alleged would not be permitted in a residential area. However, as stated at Question one above, the activities described in Question three are not in evidence.
- (4) Yes. However, as mentioned above in the answer to question one neither the Authority nor the Office of Arts Heritage Environment, despite several site visits, have been able to substantiate that Team Subaru is undertaking the activities alleged by the complainant.
- (5) The Authority and the Office of Arts Heritage Environment respond to complaints and concerns regarding residential amenity as and when they arise. If further complaints are received and can be confirmed, the appropriate action will be taken to obtain their cessation.

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### **Roads—Hindmarsh Drive (Question No 312)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 16 March 2005:

In relation to previous road works at the intersection of Hindmarsh Drive and Melrose Drive in Phillip, when will directional arrows be laid down on the road surface at this intersection, especially for traffic moving along Hindmarsh Drive in the direction of Weston Creek

adjacent to John McGrath Ford and either turning right onto Melrose Drive or travelling straight through the lights towards Weston Creek, in order to prevent accidents from drivers turning right from the wrong lane.

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

The directional arrows in question will not be laid down on the road surface.

The convention adopted for marking arrows in lanes on the approach to traffic lights is that it is only done where the permitted movements could not be anticipated in accordance with the Australian Road Rules.

### **Health—whooping cough (Question No 318)**

**Mr Smyth** asked the Minister for Health, upon notice, on 16 March 2005:

- (1) How many cases of whooping cough have been recorded by ACT Health to date this year;
- (2) How does this figure compare to the number of cases of whooping cough recorded in the ACT in (a) 2003-04, (b) 2002-03 and (c) 2001-02.

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

- (1) Since 1<sup>st</sup> January 2005 there have been 42 cases of pertussis (whooping cough) notified.

Since 1<sup>st</sup> July 2004 until present there have been 108 cases (33 per 100,000 population) of pertussis notified. The average number of pertussis cases notified in the ACT over the five-year period prior from July 1998 to July 2003 was 112 per annum (35 per 100,000 population). Therefore 108 cases this year to date is not indicative of an outbreak.

- (2) (a) 2003-04  
From the 1<sup>st</sup> July 2003 to 31<sup>st</sup> June 2004 there were 364 cases of pertussis notified. This data reflects a pertussis outbreak of 304 cases occurring between July – December 2003. In vaccinated populations outbreaks occur every 3 to 4 years.
- (b) 2002-03  
From 1<sup>st</sup> July 2002 to 31<sup>st</sup> June 2003 there were 73 cases of pertussis notified. This figure is below the ACT average.
- (c) 2001-02  
From 1<sup>st</sup> July 2001 to 31<sup>st</sup> June 2002 there were 75 cases of pertussis notified. This figure is below the ACT average.

*\* For year by year data, please see attachment 1.*

*\* For further information on Pertussis, please see attachment 2.*

*A copy of the attachments is available at the Chamber Support Office.*

**Health—dental waiting lists  
(Question No 319)**

**Mr Smyth** asked the Minister for Health, upon notice, on 16 March 2005:

- (1) What is the current waiting list and waiting times for adult dental health services in all categories of patients;
- (2) What was the waiting (a) list and (b) times for adult dental health services in all categories of patients at the end of financial years (i) 2003-04, (ii) 2002-03 and (iii) 2001-02.

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

**1.1 Adult Restorative Waiting list at 11 March 2005**

1475 clients waiting and the waiting time is 7 months

**1.2 Adult Denture Waiting list at 11 March 2005**

152 clients waiting and the waiting time is 4 months

Please note

- 15% increase in additions to the centralised waiting list for restorative services from March 04 to March 05.
- All clients are currently completing a full course of dental treatment every 19 months
- All clients triaged as a dental emergency are seen on the same day.

**1.3 Adult Waiting list for General Anaesthetic (GA)**

**At 28 February 2005**

**Calvary Hospital - Adults and children and young people over 10**

106 clients waiting with the average waiting time 12 months

**The Canberra Hospital - Children and young people under 10**

57 clients waiting with the average waiting time 13 months.

**Please note**

- At TCH 3 clients have been waiting 21 months as they chose to delay treatment for personal reasons.
- 4 Dental Officers provide treatment under General Anaesthetic at TCH and Calvary, 2 are Visiting Dental Officers who undertake more complex oral surgery and 2 are dental officers employed by ACT Health.
- There is (on average) 5 General Anaesthetic lists a month at Calvary 2 (on average) at TCH and between 2 and 4 clients are treated each session.
- The Program also has a booked monthly GA session for special needs clients and more urgent cases at Lidia Perin.
- DHP currently undertaking an audit of the GA waiting list
- Data not available for previous years (i) 2003-04 (ii) 2002-03 and (iii) 2001-02

2.

	A	B	C	D
	Full Year 01/02	Full Year 02/03	Full Year 03/04	March 04/05
Restorative Waiting list no.	2919	2438	1413	1475
Restorative Waiting list time.	21 months	22 months	9 months	7 months
Denture Waiting list no.	0	95	367	152
Adult Denture Waiting time	0	6 months	6 months	4 months

**2003-04 June 2004****Adult Restorative Waiting list**

1413 clients waiting and the waiting time 9 months

**Adult Denture Waiting list**

367 clients waiting and the waiting time 6 months

**Adult Waiting list for General Anaesthetic (GA)**

Data not available.

**2002-03 June 2003****Adult Restorative Waiting list**

2438 clients waiting and the waiting time 22 months

**Adult Denture Waiting list**

95 clients waiting and the waiting time 6 months

**Adult Waiting list for General Anaesthetic (GA)**

Data not available.

**2001-02 June 2002****Adult Restorative Waiting list**

2919 clients waiting and the waiting time 21 months

**Adult Denture Waiting list**

no waiting list for the provision of dentures. ( In order to have a fair and equitable system and get a balance between clients waiting for restorative and dentures services a denture waiting list was established in 2002 – 03. Clients were prioritised based on level of urgency/need).

**Priority 1 clients urgent cases****Examples**

- Clients who have completed a course of care from the restorative waiting list and need dentures
- No front teeth that would affect the client's ability to get work
- Clients requiring full clearances or General Anaesthetic / complete lack of denture
- Severely compromised general health

**Priority 2 clients non - urgent cases**

**Example**

Have an existing denture that needs replacing

**Adult Waiting list for General Anaesthetic (GA)**

Data not available.

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**Women—drug programs  
(Question No 321)**

**Mrs Burke** asked the Minister for Health, upon notice, on 16 March 2005:

In relation to the *ACT Alcohol, Tobacco and other Drug Strategy 2004-08*, how will access be improved to current programs for young women in Quamby and women in the Belconnen Remand Centre.

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

The Government has begun to implement a range of initiatives under the *ACT Alcohol, Tobacco and Other Drug Strategy 2004-2008* including:

- creation of 100 additional subsidised places in the methadone and buprenorphine program;
- establishment of a trial of vending machines for dispensing needles and syringes in the ACT, which will provide 24 hour access to sterile injecting equipment;
- increasing and improving support for peer based models of service delivery, support and advocacy, and community development;
- strengthening training programs across the drug and alcohol sector;
- identifying and implementing successful school alcohol and drug peer education programs;
- targeting the illegal supply of tobacco to minors and testing whether tobacco retailers are complying with legislation;
- employing two outreach workers to work with Aboriginal and Torres Strait Islanders people who have both a mental illness and substance abuse problems; and
- conducting a feasibility study into establishing a bush healing farm to provide culturally appropriate prevention, education, rehabilitation and outreach programs for with Aboriginal and Torres Strait Islanders people.

In addition to these actions, priority has also been given to assessing the appropriateness of current access to case management services for all clients of alcohol and drug services with complex needs. A review is currently being completed to identify and assess case management models being used with clients with alcohol and drug problems interstate and with what results. Further work will then be undertaken to assess the strengths and weaknesses of case management services in the ACT and a possible pilot will be undertaken to evaluate a new model/s for the ACT. Whilst the scope of the work will focus on all alcohol and drug clients with complex needs, the special needs of those in Quamby and the Belconnen Remand Centre will be considered within this broader context.

The other actions identified in the Strategy will be implemented successively over the life of the Strategy.

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**Drugs—indigenous use  
(Question No 322)**

**Mrs Burke** asked the Minister for Health, upon notice, on 16 March 2005:

- (1) In relation to the recommendations of “I want to be heard”—An analysis of needs of Aboriginal and Torres Strait Islander illegal drug users in the ACT and region for treatment and other services, in what ways are outreach services being funded, and staff trained, to meet the increased needs of Aboriginal and Torres Strait Islander people in such areas as (a) health education, (b) access to health care services and (c) adherence by drug users to treatment programs;
- (2) What efforts are being made to ensure that outreach services provided by Aboriginal and Torres Strait Islander staff of Indigenous-controlled organisations are given the greatest opportunity to contribute to service delivery in the areas mentioned in part (1) above.

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

- (1) Winnunga Nimmityjah Aboriginal Health Service and Gugan Gulwan Youth Centre, both Indigenous-controlled organisations staffed by Aboriginal and Torres Strait Islander health and youth workers, have been allocated recurrent funding from ACT Health for outreach services to assist Aboriginal and Torres Strait Islander people with issues relating to substance abuse and dual diagnosis. Winnunga has also been allocated funding for a youth detoxification service, to provide support to young people undergoing detoxification. These outreach programs maintain links with mainstream substance abuse and health care services, and provide referral and support for their clients to access these services when necessary. The outreach services also include health and life-style support and education, and counselling,
  - (2) Workforce development and training for Aboriginal health workers is being provided by the Muuji Emotional and Social Wellbeing Regional Training and Resource Centre. The Centre is a consortium of three regional Aboriginal medical services and is funded by the Commonwealth. Winnunga Nimmityjah manages the Centre, and in partnership with Community Education and Training offers short courses to Aboriginal health workers in other Aboriginal services and in mainstream. Funding has also been provided to Gugan Gulwan for staff visits to regional and interstate detoxification and rehabilitation centres, with the aim of promoting professional development and increasing the integration of Aboriginal and mainstream services.
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**Drugs—indigenous use  
(Question No 323)**

**Mrs Burke** asked the Minister for Health, upon notice, on 16 March 2005:

An analysis of needs of Aboriginal and Torres Strait Islander illegal drug users in the ACT and region for treatment and other services, will the ACT Government respond to the request for the establishment of an Aboriginal Halfway House to support people who are on

discharge from withdrawal services; if so, how will this Halfway House be linked to any existing Indigenous services.

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

ACT Health is currently undertaking a study into the establishment of an Aboriginal-run residential Healing Farm to address the social and emotional wellbeing of Aboriginal and Torres Strait Islander people in our community, including those with substance abuse issues. The study is being conducted in partnership with the Australian Government and the Aboriginal and Torres Strait Islander Community, under the COAG Shared Responsibility Agreement signed in April 2004. The provision of support for people who are on discharge from services, such as a halfway house, is one aspect of the model that is being considered.

A governance model for the Healing Farm, including any links to existing Indigenous services, is currently under discussion.

### **Drugs—indigenous use (Question No 324)**

**Mrs Burke** asked the Minister for Health, upon notice, on 16 March 2005:

- (1) In relation to the recommendations of *"I want to be heard"—An analysis of needs of Aboriginal and Torres Strait Islander illegal drug users in the ACT and region for treatment and other services*, will the ACT Government respond to the request for the establishment of an Aboriginal-run residential treatment centre for Aboriginal and Torres Strait Islander drug users;
- (2) What focus will be given to learning initiatives on Indigenous culture and identity.

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

- (1) As stated in the response to Question on Notice 323, a governance model for the healing Farm is currently under discussion. The principle aim of the Healing Farm will be to deliver services in a holistic manner targeting not only the client but also their families. The Farm will build close links with detoxification services, while focussing primarily on healing and rehabilitation services.
- (2) The healing approach will attempt to break the cycle of intergenerational drug use, and foster reconnection to Aboriginal cultural values and beliefs, family and social networks. It is anticipated that learning initiatives will form an integral part of this approach.

### **Drugs—indigenous use (Question No 325)**

**Mrs Burke** asked the Minister for Health, upon notice, on 16 March 2005:

- (1) In relation to the recommendations of *"I want to be heard"—An analysis of needs of Aboriginal and Torres Strait Islander illegal drug users in the ACT and region for treatment and other services*, what cultural education programs are being developed for drug using members of their communities in the ACT;

(2) If programs exist, how are they being implemented.

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

(1) As stated in the answer to QON 324, the Farm's healing approach will attempt to foster reconnection to Aboriginal cultural values and beliefs, family and social networks.

It is anticipated that cultural education programs will form an integral part of this approach. ACT Health has already begun to address this need by funding Gugan Gulwan to provide culturally significant outings and camps for young people accessing the substance abuse program.

### **Health—radiation therapists (Question No 330)**

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

- (1) How many full time equivalent (FTE) radiation therapists are currently working in the ACT;
- (2) How does the FTE figure for radiation therapists currently compare to the average figure of FTE radiation therapists for (a) 2003-04, (b) 2002-03 and (c) 2001-02.

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

- (1) The current number of full time equivalent (FTE) radiation therapists at The Canberra Hospital is 23.12, with 2.32 FTEs being made up by casual employees.
- (2) The number of FTEs for radiation therapists is 2003-04 was 18.84, in 2002-03 was 16.84 and in 2001-02 was 17.28. These figures demonstrate that there has been a significant increase in the number of radiation therapists at The Canberra Hospital since 2001.

### **Hospitals—capital works (Question No 332)**

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

In relation to new works in the capital works budget, for the

- (a) Bush Healing Centre;
- (b) New Psychiatric Secure unit;
- (c) Mental Health Forensic Centre; and
- (d) Adolescent Mental Health Services Infrastructure Plan projects:
  - (i) how much of the funding allocated to each project has been expended to date;
  - (ii) what has been delivered for the expenditure to date on each project;
  - (iii) have any of these projects been finalised; if so, which ones and when; if not, why not and when will they be completed;

- (iv) what is the reason for any delay in finalising each project;
- (v) when will the projects named in (a), (b) and (c) be opened for use; and
- (vi) for how many clients will the projects named at (b) and (c) cater for.

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

(a) Bush Healing Farm

- (i) To date, \$85,000 has been spent on a service planning study.
- (ii) The service planning study, including development of a procurement feasibility plan, is currently underway. It will identify a service model for residential drug and alcohol rehabilitation for Aboriginal people.
- (iii) The study is to be completed in July 2005. Coordinating the involvement of relevant, local community representatives with the availability of the various services during the research phase has caused some delay.
- (iv) See above.
- (v) The process is that a business case is developed for consideration by Government in determining its annual capital works program. Completion dates are agreed at this time.

(b), (c) & (d) Mental Health Services

- (i) To date, \$69,402 has been spent on a service planning study related to high security mental health services and \$35,308 has been spent on a service planning study for mental health service requirements for adults, adolescents and children.
- (ii) The service planning study on high security mental health services identifies and assesses service models for a High Security Mental Health Facility. The service planning study for mental health services for adults, adolescents and children will identify and assess service requirements and service models.
- (iii) The service planning study for the High Security Mental Health Facility was completed in October 2004 and the development of the procurement feasibility plan is underway. The service planning study for other mental health services is currently underway. The service planning study and procurement feasibility plans are to be completed in June 2005.
- (iv) It was originally envisaged that these mental health projects would be conducted separately. However in the course of 2004, the Government decided it would be beneficial to assess the ACT's mental health facility needs as a whole. The Government established an interdepartmental committee to consider mental health forensic services for the ACT in March 2004. Progress towards a new Psychiatric Services Unit and Child and Adolescent Mental Health Services has been delayed pending finalisation of recommendations from the forensic IDC. The provision of high security services needs to be considered as part of the range of mental health services in the ACT.

- (v) The process is that a business case is developed for consideration by Government in determining its annual capital works program. Completion dates are agreed at this time.
  - (vi) The numbers of clients to be catered by each facility will be known when service and procurement feasibility plans are completed.
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**Housing—tenancy agreements  
(Question No 335)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 17 March 2005:

- (1) How many tenants have applied for a reduction in the rental rate payable under a tenancy agreement with Housing ACT in (a) 2001-2002, (b) 2002-2003, (c) 2003-2004 and (d) 2004-2005 up to 15 March;
- (2) How many of these applications have been made in relation to a Housing ACT tenant's belief that their use or enjoyment of their premises has been impacted upon.

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

- (1) The number of tenants that appealed against increase in market rent in each of the following years is:
    - a. 48 in 2001-02
    - b. 163 in 2002-03
    - c. 90 in 2003-04
    - d. 76 in 2004-05
  - (2) The reasons given by tenants for appealing against the increase in market rent were varied and numerous.
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**Ministerial councils  
(Question No 341) (Revised answer)**

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

1 ACT membership of Commonwealth-State Ministerial Councils is listed below:

<b>Ministerial Council</b>	<b>ACT Member(s)</b>
Council of Australian Governments	Mr Jon Stanhope
Treaties Council	Mr Jon Stanhope
Ministerial Council on Energy	Mr Jon Stanhope
Ministerial Council on Mineral and Petroleum Resources	Mr Jon Stanhope
Online Council	Mr Jon Stanhope
Natural Resource Management Ministerial Council	Mr Jon Stanhope
Primary Industries Ministerial Council	Mr Jon Stanhope
Ministerial Council of Attorneys-General, consisting of:· · Standing Committee of Attorneys-General; and· · Ministerial Council for Corporations.	Mr Jon Stanhope
Ministerial Council on Consumer Affairs	Mr Jon Stanhope
Correctives Services Ministers' Conference	Mr Jon Stanhope
Ministerial Council of Aboriginal and Torres Strait Islander Affairs	Mr Jon Stanhope
Cultural Ministers' Council	Mr Jon Stanhope
Environment Protection and Heritage Council of Australia and New Zealand	Mr Jon Stanhope
Murray-Darling Basin Ministerial Council Meeting	Mr Jon Stanhope
Ministerial Council for Commonwealth-State Financial Relations	Mr Ted Quinlan
Australian Procurement and Construction Ministerial Council	Mr Ted Quinlan
Australian Loan Council	Mr Ted Quinlan
Ministerial Council on Insurance	Mr Ted Quinlan
Regional Development Council	Mr Ted Quinlan
Small Business Ministerial Council	Mr Ted Quinlan
National Trade Consultations Ministerial Meeting	Mr Ted Quinlan
Industry and Technology Ministers' Council	Mr Ted Quinlan
Tourism Ministers' Council	Mr Ted Quinlan
Sport and Recreation Ministers' Council	Mr Ted Quinlan
Ministerial Council on Gambling	Mr Ted Quinlan
Australasian Racing Ministers' Meeting	Mr Ted Quinlan
Australia & New Zealand Food Regulation Council	Mr Simon Corbell
Gene Technology Ministerial Council	Mr Simon Corbell
Ministerial Council on Drug Strategy	Mr Simon Corbell Mr John Hargreaves
Australian Health Ministers' Conference	Mr Simon Corbell
Local Government and Planning Ministers' Council	Mr Simon Corbell
Australian National Training Authority Ministerial Council	Ms Katy Gallagher
Ministerial Council on Education, Employment, Training and Youth Affairs	Ms Katy Gallagher

Community and Disability Services Ministers Council	Ms Katy Gallagher Mr John Hargreaves
Ministerial Council on Education, Employment, Training and Youth Affairs	Ms Katy Gallagher
Commonwealth/State Ministers' Conference on the Status of Women	Ms Katy Gallagher
Workplace Relations Ministers' Council	Ms Katy Gallagher
Housing Ministers' Conference	Mr John Hargreaves
Ministerial Council on Immigration and Multicultural Affairs	Mr John Hargreaves
Australian Transport Council	Mr John Hargreaves
Augmented Australasian Police Ministers Council	Mr John Hargreaves
Australian and New Zealand Crime Prevention Ministerial Forum	Mr John Hargreaves
Ministerial Council on the Administration of Justice consists of: · Australasian Police Ministers' Council · Intergovernmental Committee of the Australian Crime Commission (ICACC) · Correctives Services Ministers' Conference	Mr John Hargreaves Mr John Hargreaves Mr Jon Stanhope

2-3 I am advised that ACT participation in Commonwealth-State Ministerial Council Meetings since the beginning of the 6th Assembly has been as follows:

Ministerial Council	Date of Meeting	Location	Minister/s Responsible	Ministerial Attendance
<b>November 2004</b>				
Sport and Recreation Ministers Council	12 November 2004	Perth	Mr Quinlan	No Other commitments
Ministerial Council on Drug Strategy	12 November 2004	Brisbane	Mr Corbell	Yes
Australasian Police Ministers' Council and Intergovernmental Committee of the Australian Crime Commission (combined meetings)	17 November 2004	Hobart	Mr Hargreaves	Yes
Australian Transport Council	19 November 2004 meeting	Brisbane	Mr Hargreaves	No Other Commitments
Murray Darling Basin Ministerial Council Meeting	26 November 2004	Canberra	Mr Stanhope	Yes
Community & Disability Services Ministers Council	26 November 2004	Brisbane	Ms Gallagher Mr Hargreaves	Yes
<b>December 2004</b>				
Housing Ministers' Conference	3 December 2004	Adelaide	Mr Hargreaves	No Attending a function for the International Day of People with Disabilities
Natural Resource Management Ministerial Council  Environment Protection & Heritage Council  Primary Industries Ministerial Council	3 December 2004	Melbourne	Jon Stanhope	No Other commitments  The meetings were originally scheduled for October 2004 but were deferred because of the Federal Election.

Ministerial Council of Aboriginal and Torres Strait Islanders Affairs	3 December 2004	Melbourne	Mr Stanhope	Yes
<b>January 2005</b>				
Australian Health Ministers' Conference	28 January 2005	Sydney	Mr Corbell	Yes
<b>February 2005</b>				
No Ministerial Councils of which the ACT is a member met in February.				
<b>March 2005</b>				
Augmented Australasian Police Ministers Council (looks at emergency management issues associated with policing rather than crime)	4 March 2005	Canberra	Mr Hargreaves	Yes
Community and Disability Services Ministers' Conference	11 March 2005	Melbourne	Mr Hargreaves	Yes
Australasian Racing Ministers' Meeting	18 March 2005	Wellington	Mr Quinlan	No Other commitments
Standing Committee of Attorneys General	21 March 2005	Gold Coast	Mr Stanhope	No Other commitments
Ministerial Council for Commonwealth-State Financial Relations	23 March 2005	Canberra	Mr Quinlan	Yes
(Treasurers' Conference)	(States-only meeting 22 March 2005)	Canberra		Yes
Australian Loan Council	23 March 2005	Canberra		Yes
Gene Tech Ministerial Council	30 March 2005	Adelaide	Mr Corbell	Yes
Australia & New Zealand Food Regulation Council	31 March 2005	Adelaide	Mr Corbell	Yes
<b>April 2005</b>				
Murray-Darling Basin Ministerial Council	1 April 2005	Canberra	Mr Stanhope	Yes
Ministerial Council on Insurance	8 April 2005	Darwin	Mr Quinlan	No Other commitments
Ministerial Council on Energy	8 April 2005	Tele-conference	Mr Stanhope	No Other commitments
Primary Industries Ministerial Council	14 April 2005	Darwin	Mr Stanhope	Yes
Environment Protection & Heritage Council	14 April 2005	Darwin	Mr Stanhope	Yes
Natural Resource Management Ministerial Council	15 April 2005	Darwin	Mr Stanhope	Yes
Australian National Training Authority Ministerial Council	15 April 2005	Sydney	Ms Gallagher	Yes
Ministerial Council on Consumer Affairs	22 April 2005	Melbourne	Mr Stanhope	Yes
Ministerial Council on Gambling	28 April 2005	Adelaide	Mr Quinlan	No Other Commitments

4. The following meetings were scheduled but subsequently cancelled or postponed:

- **Australian National Training Authority Ministerial Council (ANTA)**  
Scheduled for 19 November 2004, cancelled due to the impending abolition of ANTA, however the Australian Training Awards ceremony on the preceding evening did occur;
- **National Trade Consultations Ministerial Meeting**  
Scheduled for February 2005, cancelled by Federal Minister for Trade;
- **Ministerial Council on Insurance**  
Scheduled for 25 February 2005, postponed till 8 April 2005;
- **Community Services Ministerial Advisory Council**  
Scheduled for 10 March 2005, then merged with Community and Disability Services Ministers' Council;
- **National Trade Consultations Ministerial Meeting**  
Scheduled for March/April 2005, attempted reschedule for cancelled February meeting, now scheduled for 29 July 2005;
- **Aboriginal and Torres Strait Islander Ministerial Council**  
Scheduled for 8 April 2005, postponed by the Chair;
- **Ministerial Council on Energy (Teleconference)**  
Scheduled for 21 April 2005, cancelled due to outcome of meeting on April 8 2005; and
- **Workplace Relations Ministers' Council**  
Scheduled for 29 April, cancelled by the Federal Minister for Employment and Workplace Relations.

5. The following Ministerial Council Meetings are currently scheduled to be held in the next six months (May to October 2005):

<b>May 2005</b>	
Ministerial Council for Education, Employment, Training and Youth Affairs	12-13 May 2005
Ministerial Council on Immigration and Multicultural Affairs	13 May 2005
Ministerial Council on Drugs Strategy	19 May 2005
Ministerial Council on Energy	20 May 2005
Corrective Services Ministers' Council	31 May 2005
Australian Police Ministers' Council	31 May 2005
Intergovernmental Committee of the Australian Crime Commission	31 May 2005
<b>June 2005</b>	
Council Of Australian Governments	3 June 2005
Australian Transport Council	3 June 2005
A joint meeting of Housing, Local Government and Planning Ministers	8 June 2005
Australian Procurement and Construction Ministerial Council	17 June 2005
<b>July 2005</b>	
Ministerial Council on Minerals and Petroleum Resources	1 July 2005
Environment Protection & Heritage Council	1 July 2005
Community & Disability Services Ministers Council	27 July 2005
Small Business Ministerial Council	27 July 2005
Australian Health Ministers' Conference	28 July 2005
Standing Committee of Attorneys General	28 & 29 July 2005
National Trade Consultations Ministerial Meeting	29 July 2005
Industry and Technology Ministerial Council	Date in July to be confirmed
<b>August 2005</b>	
Cultural Ministers' Council	5 August TBC

Ministerial Council on Consumer Affairs	26 August
Local Government and Planning Ministerial Council	Date in August to be confirmed
Online Council	Date in August to be confirmed
<b>September 2005</b>	
Ministerial Conference on the Status of Women	19 September 2005
Housing Ministers' Conference	23 Sept 2005
Murray-Darling Basin Ministerial Council	30 September
Tourism Ministerial Council	Date to be confirmed
<b>October 2005</b>	
Australian Police Ministers' Council	14 October 2005
Intergovernmental Committee of the Australian Crime Commission	14 October 2005
Primary Industries Ministerial Council	26 October 2005
Environment Protection & Heritage Council	26 October 2005
Natural Resource Management Ministerial Council	27 October 2005
Australian New Zealand Food Regulation Council	28 October 2005

The above answer incorporates information provided to the Member separately by Mr John Hargreaves MLA in his capacity as Minister for Disability, Housing and Community Services.

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### **Water—environmental flows (Question No 342)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 5 April 2005:

- (1) In relation to environmental flows, what is the new scientific knowledge about the amount of water in our rivers referred to on page 43 of *Think Water, Act Water*;
- (2) Is there a new formula for the forward assessment of water resources; if so, what is it;
- (3) Have the measurement techniques for flow rates in rivers within the ACT or that contribute to the ACT's water supply changed since 1999; if so, how;
- (4) If there are new measurement techniques, are they being applied to all existing monitoring points; if not, why not;
- (5) If they are not being applied to all existing monitoring points, are they being applied to any of them; if so, which ones;
- (6) Is river flow monitoring being carried out in places additional to those used in 1999;
- (7) What account has been taken of decreased runoff as a result of catchment regeneration following the January 2003 bushfires;
- (8) When will the ACT Government finalise the *Environmental Flow Guidelines*.

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

The new scientific knowledge referred to in *Think water act water* derives particularly from the active investigation of the effect of flows on the health of the Cotter River. Research and monitoring programs in that catchment have investigated the effects of the environmental releases below dams, the effects of the drought and the influence of the 2003 bushfires on aquatic ecosystems. New knowledge has included the importance of flow variability, especially with low flow releases, and the need for flows of a specific volume to clean sediment out of riffle and pool areas. These findings formed the scientific basis for the review of the environmental flow guidelines prepared by the Cooperative Research Centre for Freshwater Ecology.

The environmental flow guidelines do not provide an assessment of water resources. The need for the guidelines derives from a responsibility under the *Water Resources Act 1998* to develop guidelines that specify the flows needed to maintain aquatic ecosystems. As such the guidelines are developed essentially from a scientific understanding of the flow regime needed to protect and maintain those ecosystems.

Flow rates in rivers within the ACT or that contribute to the ACT's water supply are measured using standard hydrographic techniques. At gauging points, the river height is measured and then converted into a flow rate using a rating table. While rating tables at gauging stations are updated from time to time, the measurement techniques for flow rates have not changed. Subsequent to 1999 two additional gauging stations have been installed upstream of Bendora Dam; one on the Cotter River itself and one on Stockyard Creek. The purpose of these stations is to enable a better assessment of flows in the system as the catchment recovers from the 2003 bushfires.

Since the 2003 bushfires runoff from the Cotter catchment has been assessed to determine the influence of the fires. Normally one would expect an initial increase in runoff with the loss of vegetation, followed by a decrease in runoff as vegetation regenerates. Although we are still in drought, it is possible to assess the effect of the bushfires by comparing runoff from similar rain events prior to the bushfires. No change in runoff from the Cotter catchment attributable to the bushfires could be detected for 2003 or 2004. Should there be a change in runoff in subsequent years, the environmental flow guidelines can respond to such changes by the requirement linking the amount of water released to the amount entering the reservoir. Consequently if inflow drops, environmental releases drop accordingly.

The environmental flow guidelines, currently under review, will be finalised later in 2005.

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### **Water—storage safety margin (Question No 343)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 5 April 2005:

- (1) In relation to water requirements for the ACT, what studies, including mass curve studies, have been conducted to determine the minimum safety margin for Canberra's water storage;
- (2) What is the result of these studies.

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

- (1) Mass curve studies are one form of hydrology study that can be used to assess the amount of water that would be needed by the ACT now and in the future.

Mass curve studies are an outdated tool. They were developed in pre computer times and are subject to very specific assumptions. ACTEW now use very sophisticated computer modeling to determine our water requirements.

The modeling approach overcomes many of the limitations of the mass curve approach by the use of a simulation model that reflects changes in water demands due to climate differences, interdependence of different water supply sources and different climatic sequences. Accordingly, the level of complexity in the approach adopted by ACTEW is vastly improved to a mass curve approach.

- (2) The results of these studies suggest that better use of existing resources, and eventually an additional water supply, is needed for the ACT to avoid long periods of water restrictions with their associated economic costs and inconvenience. This is outlined in ACTEW's first Future Water Options report *An Assessment of the Need to Increase the ACT's Water Storage*, released in December 2004. The studies were also used in preparing ACTEW's second Future Water Options report, released in mid April 2005.

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### **Water—Murray Darling Basin Commission negotiations (Question No 344)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 5 April 2005:

- (1) Is the Murray Darling Basin Commission involved in discussions on the provision for a water cap; if so, what discussions have taken place so far; if not, why not;
- (2) What progress has been made on finalising a memorandum of understanding with the Commonwealth and NSW about provision for a water cap;
- (3) Why is the ACT Government negotiating with the Commonwealth and the NSW Governments over the water cap instead of negotiating with the Murray Darling Basin Commission;
- (4) When will the ACT Government finalise the memorandum of understanding with the Commonwealth and NSW about provision for a water cap.

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

- (1) No. The ACT will be required to negotiate a water cap as part of our obligations for full membership of the Murray Darling Basin Council. The arrangements are that the ACT will work with NSW and the Murray Darling Basin Council to resolve the matter.
  - (2) The ACT is not involved in finalising a memorandum of understanding with the Commonwealth and NSW about provision for a water cap.
  - (3) See (2) above.
  - (4) See (1) above.
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### Roads—speed cameras (Question No 346)

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 5 April 2005:

- (1) How many infringements were issued from the Territory's (a) nine fixed red light and (b) 52 fixed speed cameras in (i) 2002-03, (ii) 2003-04 and (iii) 2004-05 to date;
- (2) How many of the fixed (a) red light and (b) speed camera infringements were incorrectly or invalidly issued in (i) 2002-03, (ii) 2003-04 and (iii) 2004-05 to date;
- (3) What are the reasons for any red light and speeding tickets being incorrectly or invalidly issued and why did this occur;
- (4) Have all incorrect or invalid infringements issued from (a) mobile speed camera vans, (b) fixed red light and (c) fixed speed cameras been retracted;
- (5) Is there any possibility that motorists may have paid a fine that should not have been issued to them in the first place as they did not question the infringement or did not seek to inspect the photo; if so, what will the Government do to investigate this and ensure no one has paid a fine for an offence that they did not commit.

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

		02/03	03/04	04/05
(1) (a)	Red light infringements	2185	1631	962
(1) (b)	Speed infringements	32853	23985	26325
	<b>Total</b>	<b>35038</b>	<b>25616</b>	<b>27287</b>
(2)	Number of incorrect or invalid issued	Unknown*	568	317

\* Information unavailable

- (3) The reason that infringements are incorrectly issued is due to typographical error or an incorrect reading of the vehicle number plate on the part of the authorised officer.
- (4) All incorrect or invalid infringements that the Department is aware of have been retracted.
- (5) Yes. It is possible that a driver may have received an invalid or incorrectly issued infringement notice and paid the monetary penalty. Although possible, it is considered unlikely that this has occurred on a large scale if at all. This is because all infringement notices contain details of the vehicle, the registered vehicle operator, infringement penalty and infringement details. The infringement details include the date, time, location and nature of the offence. These details provide vehicle operator the information required to determine if they are in fact responsible for incurring the infringement. The infringement notice also advises the vehicle operator of their rights in relation to the infringement. This information includes disputing the notice and advising they were not the driver at the time of the offence. To investigate this would require an officer to review every fine paid since the inception of the program and manually check against the image taken. This would be an inordinate amount of work at very large expense to the taxpayer.

**Fireworks—reports  
(Question No 347)**

**Mr Pratt** asked the Minister for Industrial Relations, upon notice, on 5 April 2005:

- (1) Further to the reply to question on notice No 150, how does the figure of 112 reports regarding fireworks during the Queen’s Birthday long weekend in 2004 compare to the number of reports on that same weekend in (a) 2003, (b) 2002, (c) 2001 and (d) 2000;
- (2) Will there be any changes to fireworks regulations leading into the 2005 Queen’s Birthday long weekend.

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

- (1) The figure of 112 reports provided in the reply to question on notice No 150 includes the reports received by an ACT WorkCover inspector attached to the Australian Federal Police Communications Centre over the Queen’s Birthday long weekend. Prior to 2004 there was no ACT WorkCover inspector undertaking this role.
  - (a) For 2003 ACT WorkCover and the Australian Federal Police received 86 complaints regarding fireworks over the three day period of the Queen’s Birthday long weekend.
  - (b) (c) For 2002, 2001 and 2000 ACT WorkCover does not have records of the number of fireworks complaints received specifically during the Queen’s Birthday long weekend. The Australian Federal Police has advised it received no reports regarding fireworks during the 2002, 2001 and 2000 Queen’s Birthday long weekend periods.
  - and (d)

- (2) No
- 

**Courts and tribunals—ministerial legal costs  
(Question No 349)**

**Mr Smyth** asked the Attorney-General, upon notice, on 5 April 2005:

- (1) Further to the reply to question on notice No 191, what actions, if any, have commenced in the current or previous Assembly against Ministers, excluding personal staff disputes or defamation, which you have already identified have not been matters of concern;
- (2) What costs have been incurred in the current or previous Assembly against Ministers, excluding personal staff disputes or defamation, which you have already identified have not been matters of concern.

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

- (1) It is not clear what the member means by “matters of concern”. As the question is unclear I am unable to add to the answer provided to question No.191;
  - (2) I refer the member to my answer to (1).
-

**Canberra Hospital—transportable cribs  
(Question No 350)**

**Mr Smyth** asked the Minister for Health, upon notice, on 5 April 2005:

- (1) How many cribs are available for use in the neonatal intensive care unit (NICU) neonatal unit at the Canberra Hospital;
- (2) How many transportable cribs are available for use and does the figure in part (1) include transportable cribs;
- (3) Did the Chief Executive of ACT Health state on WIN News on 31 March 2005 that there were 8 cribs available in the NICU; if so, did this figure include the transportable crib/s;
- (4) Did the Chief Executive of ACT Health state on WIN News on 31 March 2005 that “We will need to extend the unit in the near future and we’re working on plans to that effect”; if so, how advanced are the plans to extend the unit and have any funds been allocated towards an extension of the NICU;
- (5) What sort of expansion exactly is planned for the NICU and what capacity will it have after the expansion;
- (6) If funds have not been allocated for the expansion, when will funds be allocated.

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

- (1) The Centre for Newborn Care (CNC) has 24 beds comprising 8 Intensive Care cots (NICU) and 16 High Dependency and Special Care cots.
- (2) There are three transportable cribs available and the figure in part (1) does not include these transportable cribs.
- (3) No, The Chief Executive of ACT Health did not state on WIN News on 31 March 2005 that there were 8 cribs available in the NICU.

I confirm there are 8 cots in the NICU and this figure does not include the transportable cribs.

- (4) Yes, the Chief Executive of ACT Health did state "We will need to extend the Unit in the near future and we are working on plans to that affect. But at this point of time the Unit can cope with demand."

The service planning for neonatal intensive care services is scheduled for completion by the end of June 2005. This plan will inform the service needs and the future capacity of the NICU. No funds have been allocated to extending the NICU at this stage.

- (5) The features of expanded NICU services will not be known until the service planning is completed.
  - (6) Funding requirements will be considered in the context of future budgets.
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**Hospitals—elective surgery list  
(Question No 352)**

**Mr Smyth** asked the Minister for Health, upon notice, on 5 April 2005:

- (1) Has the position of Elective Surgery Waiting List Project Officer advertised in the ACT Government Staff Bulletin been filled; if so, when was the position filled and what work has been undertaken by the person in this position since their appointment; if not, why not;
- (2) What is the purpose of this position;
- (3) How will the Government monitor if this position is effective and is assisting in developing approaches that reduce the elective surgery waiting list;
- (4) Was this position for a period of six months with the possibility of an extension; if so, when will the Government make a decision on whether the position will be extended beyond six months given recent talk of possible job cuts in the public service.

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

- (1) No. ACT Health is currently reviewing the scope of the position following a first round of advertising.
- (2) The purpose of the position is to manage a range of projects associated with the ACT Health Elective Surgery Program.
- (3) ACT Health will monitor the effectiveness of this position through the normal operational and human resource management processes.
- (4) ACT Health is currently reviewing the scope in range of functions to be undertaken by the position and will make an assessment of the need for it to continue beyond six months accordingly.

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**Family Services—relocation  
(Question No 353)**

**Mr Smyth** asked the Minister for Children, Youth and Family Support, upon notice, on 5 April 2005:

- (1) Further to the reply to question on notice No 197, why did the answer not address part (4) as to why the relocation of the unit has not been broadly promoted in the community;
- (2) Why did the Government not broadly promote the relocation of Family Services from the Chief Minister's Department to the Department of Disability, Housing and Community Services.

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

- (1) The answer previously provided indicated the relocation of the Office for Children, Youth and Family Support, incorporating Family Services was one of several changes made by

the Chief Minister in establishing Ministerial portfolios following the election of the second Stanhope Government. The Chief Minister's media release of 4 November 2005 reflects the announcement of portfolio responsibilities.

- (2) The relocation of the Office for Children, Youth and Family Support to the Department of Disability, Housing and Community Services was a machinery of government process and did not impact on service delivery. The transfer only served to enhance the delivery of services to the community. The Department now has responsibility for funding more than 70% of the non-government human services supported by the ACT Government. This significant role will extend our partnerships with the community sector, which are a vital part of the delivery of human services in the Territory.

Further, the Government has committed to consolidating worksites across the Office for Children, Youth and Family Support (in line with the Vardon report recommendations). New accommodation for the Office has been secured at 11 Moore Street, City and the relocation of the Office will be broadly promoted in the community preceding the move.

### **Cycle lanes (Question No 355)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 6 April 2005:

- (1) How much money has been expended for all types of signage for on-road cycle lanes, for each on-road cycle lane that has been constructed or partially constructed, during (a) 2002-03, (b) 2003-04 and (c) 2004-05 to date;
- (2) What is the total amount of funds which have been budgeted for such signage in (a) 2002-03, (b) 2003-04 and (c) 2004-05 and (d) future financial years;
- (3) What is the projected completion date for any on-road signage projects currently underway.

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

- (1) Provision of signage is included in on-road cycle lane projects as part of an overall project and is not undertaken as a separate contract. The amount of signage provided is generally minimal and represents a very small percentage of the overall project cost. The order of cost of the signage over the three years would be no more than \$20,000.
- (2) See above.
- (3) See above.

### **Roads—traffic infringements (Question No 356)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 6 April 2005:

- (1) How many motorists have been issued with infringements for the use of mobile phones while driving in (a) 2002-03, (b) 2003-04 and (c) 2004-05 to date;

- (2) What is the total value of fines resulting from those infringements for each of the years listed in part (1);
- (3) What are the ACT statistics for each of the years above in relation to the use of mobile phones being directly attributable as the cause of motor vehicle accidents.

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

- (1) Table 1: Traffic infringement notices issued for driving while using a handheld mobile phone ~ 01 July 2002 to 06 April 2005

Financial year	Infringements
2002-2003	690
2003-2004	739
2004-2005 to date	588

*Source: Autocite Traffic data as at 06 April 2005*

- (2) Table 2: Total penalties for traffic infringement notices issued for driving while using a handheld mobile phone ~ 01 July 2002 to 06 April 2005

Financial Year	Infringements
2002-2003	81522
2003-2004	162190
2004-2005 to date	132846
<b>Total</b>	<b>\$376,558</b>

*Source: Autocite Traffic Data as at 06 April 2005*

- (3) It is too resource intensive to obtain data identifying how many motor vehicle accidents are directly attributable to the use of mobile phones whilst driving. This would involve manual data extraction and examination of individual case records.

### **Roads—random breath testing (Question No 357)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 6 April 2005:

- (1) In relation to random breath testing in the ACT, how many drivers have been charged with drink driving for the period 1 July 2004 to date;
- (2) How many drivers have been charged with drink driving in (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05;
- (3) How many patrol cars were mobile at any one time on ACT roads per shift over the Easter period;
- (4) How many traffic infringements were issued over the Easter periods in (a) 2004, (b) 2003, (c) 2002 and (d) 2001;
- (5) How many motorists were caught drink driving for each of the periods listed in part (4);

- (6) How many defect notices were issued over the Easter 2005 period and for each of the periods listed in part (4);
- (7) How many random motor vehicle testing stations were in operation over the Easter 2005 period and where were they located;
- (8) How many random motor vehicle testing stations were in operation, and how many defect notices were issued, for each of the periods listed in part (4).

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

- (1) It is too resource intensive to identify how many drivers were charged with drink driving as a result of random breath testing, as distinct from other breath testing. 532 drivers tested positive during the period 1 July 2004 to 31 March 2005 as a result of random breath testing. However, the total number of drivers charged for drink driving offences during this period (including as a result of random breath testing activity) was 1141.
- (2) The number of drivers charged with drink driving offences in the financial years (a) 2001-02, (b) 2002-03, (c) 2003-04, and (d) 2004-05 was as follows:

<b>Financial year</b>	<b>Number of persons charged with drink driving offences</b>
(a) 2001-02	1201
(b) 2002-03	1515
(c) 2003-04	1787
(d) 2004-05 to 31 March 2005	1141

Source: PROMIS apprehensions module as at 4 April 2005

- (3) The exact question can not be answered. The details in the below table relate to how many patrols were out per day.

<b>Shift</b>	<b>25/3/2005</b>	<b>26/3/2005</b>	<b>27/3/2005</b>	<b>28/3/2005</b>
<b>Total for day</b>	65	55	58	57

- (4) Traffic infringement notices issued over the Easter periods in (a) 2004, (b) 2003, (c) 2002, and (d) 2001 were as follows:

<b>Easter period</b>	<b>Infringement notices issued</b>
(a) 2004	540
(b) 2003	185
(c) 2002	422
(d) 2001	Data not available

Source: AutoCite traffic data as at 4 April 2005

- (5) The number of motorists charged for drink driving over the Easter periods as listed in part (4) were:

<b>Easter period</b>	<b>Number of persons charged with drink driving offences</b>
(a) 2004	53

(b) 2003	42
(c) 2002	29
(d) 2001	48

Source: PROMIS apprehensions module as at 4 April 2005

- (6) The number of defect notices issues by vehicle inspectors over the Easter period for the years requested were as follows:

Easter period	Defect notices issued and warnings on items needing attention
2005	55 defect notices, 80 warnings
2004	73 defect notices, 46 warnings
2003	8 defect notices, 20 warnings
2002	80 defect notices, 89 warnings
2001	27 defect notices, 19 warnings

- (7) Over the 2005 Easter period, there were ten separate random motor vehicle testing stations in operation, one each in Hume, Narrabundah, Fyshwick, Weston Creek, Yarralumla, Williamsdale, Charnwood, Oaks Estate, Nicholls and Pialligo.
- (8) The number of random motor vehicle testing stations in operation over each of the Easter periods requested, were as follows:

Easter Period	Number of inspection stations	Defect notices issued and warnings on items needing attention
2004	6	73 defect notices, 46 warnings
2003	4	8 defect notices, 20 warnings
2002	10	80 defect notices, 89 warnings
2001	1	27 defect notices, 19 warnings

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### **Aboriginal and Torres Strait Islander Resource Centre (Question No 358)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 6 April 2005:

What plans does the Government have regarding further development and resourcing of the ACT Aboriginal and Torres Strait Islander Resource Centre at Yarramundi Reach.

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

- (1) The Resource Centre at Yarramundi Reach is known as the ACT Aboriginal and Torres Strait Islander Cultural Centre.
  - (2) ACT Government has a contract in place with Burringiri Association Incorporated to provide management services in relation to the Aboriginal and Torres Strait Islander Cultural Centre until June 2006.
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### **Aboriginals and Torres Strait Islanders—Ngambri group (Question No 359)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 6 April 2005:

- (1) In relation to a recent email circulated to some members of the community and some Assembly Members regarding Ngambri History and Country, can the Minister provide evidence of the existence of the Ngambri 'group'?
- (2) Does the Minister recognise and endorse this group and has the ACT Government funded this organisation in any way; if so, when and for how much;
- (3) Do the Ngambri have any linkages, culturally or in any other way with the Namadgi Board.

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

- (1) Ngambri is the name of one of a number of family groups that make up the Ngunnawal nation. Evidence of the existence of this clan is found in the extensive historical records held by various institutions such as the NSW State Archives. A detailed summary of the historical evidence relating to the clan can be found in Ann Jackson-Nakano, *The Kamberri: a history from the records of Aboriginal families in the Canberra-Queanbeyan district and surrounds 1820-1927 and historical overview 1928–2001* Aboriginal History Monograph 8, ANU Press, 2001.
- (2) The Government recognises members of the Ngunnawal nation as descendants of the original inhabitants of this region. There is no specific recognition of the Ngambri group outside of this broader acknowledgement. The group has received no funding from the Government.
- (3) Members of the Interim Namadgi Advisory Board are appointed under the terms of the Agreement between the Australian Capital Territory and the ACT Native Title Groups. Members are drawn from a number of family groups including Ngambri.

### **Aboriginals and Torres Strait Islanders—funding (Question No 360)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 6 April 2005:

- (1) In relation to funding for the Indigenous portfolio, what funding has been provided in the areas of (a) health, (b) housing, (c) education and (d) employment opportunities for the Aboriginal population of the ACT during (i) 2001-2002, (ii) 2002-2003, (iii) 2003-2004 and (iv) 2004-2005, giving separate figures for each year and for each area listed;
- (2) What are the names of the members, since November 2001, who sit or have sat on the validation committee to decide on funding for Aboriginal programs and projects.

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

- (1) The information requested is not readily available. A detailed breakdown is difficult as funding in relation to health, housing, education and employment opportunities for the Aboriginal population of the ACT is provided through a mix of general and Indigenous specific programs.
  - (2) There is no validation committee that decides on overall funding for Aboriginal and Torres Strait Islander programs and projects.
- 

### **Aboriginals and Torres Strait Islanders—funding (Question No 361)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 6 April 2005:

- (1) What is the total amount of funding provided to the Billabong Corporation for 2001-2002, 2002-2003, 2003-2004 and 2004-2005;
- (2) In what areas was the funding allocated;
- (3) What have been the benefits arising from the funding provided;
- (4) How have the Indigenous community benefited;
- (5) Is the Billabong Corporation currently under investigation; if so, why;
- (6) If an investigation has been completed what were the outcomes.

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

- (1) My Department provided the following funding to Billabong Aboriginal Corporation:  
2001-2002: \$7,900; 2002-2003: Nil; 2003-2004: \$10,000; 2004-2005: \$41,580.
- (2) 2001-2002: Building capacity for Indigenous Enterprise Development.  
  
2003-2004: Renew Community Facilities Pilot Program.  
  
2004-2005: Indigenous IT Awareness Raising Computer Rollout under The Digital Divide program. The contract with Billabong Aboriginal Corporation covers the period 21 December 2004 to 20 December 2005 and the total Contract price is \$91,850.00 and is payable by the following instalments: \$41,580 upon execution of the contract; \$37,070 upon the successful completion of installation and configuration of all computers that have been made available by the organisations, and the commencement of training; \$13,200 upon the successful completion of training.
- (3) 2001-2002: Increase in skills and competency of Indigenous people in relation to Indigenous enterprise development.  
  
2003-2004: Upgrade of change rooms and toilets at Billabong's property in Hawker.  
  
2004-2005: Execution of the contract has commenced and is in its early stages of installing and upgrading of computers to the selected Aboriginal and Torres Strait Islander community organisations.

- (4) 2001-2002: Support of management infrastructure of Indigenous housing provider to better service the community's housing needs.

2003-2004: Improvement of community facilities.

2004-2005: At the conclusion of this contract, each organisation will have a networked computer system and will have undertaken a complete training program to provide Indigenous people with skills sufficient for use in bridging the digital divide.

- (5) I am not aware of any investigation into Billabong Aboriginal Corporation.

- (6) N/A.

### **Aboriginals and Torres Strait Islanders—memorials (Question No 362)**

**Mrs Burke** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 6 April 2005:

- (1) In relation to the Cotter/'Onyong' memorial site in the Naas Valley, what evidence is there to suggest that the person known as 'Hong Yong'/'Onyong' was not a fictitious person;
- (2) Who commissioned the memorial;
- (3) What was the total cost of erecting this memorial;
- (4) Where did the memorial rock originate from;
- (5) Where is the memorial located geographically;
- (6) What tender process, informal or formal, was used to assess the successful tender to carry out the works;
- (7) Who made the decision for funding to be released and when was this funding awarded;
- (8) Who was the successful tenderer and/or eventual provider of the works and how much did they receive.

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

- (1) During the 19th century it was the practice for colonial governments to distribute clothing and blankets to Aboriginal communities. An authoritative source states Onyong, or 'Hong Kong' as being recorded on a blanket distribution list at Janevale [Wanniassa/Tuggeranong], Murray Shire in June 1834. This record designates Hong Kong as the 'chief' of the 'Namwich tribe'. In a list of blankets distributed at the Queanbeyan police office in 5 May 1841 'Hong-gong' was designated 'chief' of the Limestone Blacks. Evidence to suggest that the person known as 'Hong Yong'/'Onyong' was not a fictitious person exists in historical records held at the Archives Office of NSW. Historical evidence relating to 'Hong Yong'/'Onyong' is published in Ann Jackson-Nakano, *The Kamberri: a history from the records of Aboriginal families in the*

*Canberra-Queanbeyan district and surrounds 1820-1927, and historical overview 1928-2001*, Aboriginal History Monograph 8, ANU Press, 2001.

- (2) The Cotter/'Onyong' memorial was erected by William Cotter (deceased) great-grandson of Garrett Cotter, a pioneer of the region, who befriended 'Hong Yong' (Onyong) in the early eighteen hundreds.
  - (3) The cost of erecting the memorial is unknown.
  - (4) The source of the memorial rock is unknown.
  - (5) The memorial was erected on the site of a hut built by Garrett Cotter in 1828. It is located geographically on the property known as 'Naas Forest' in NSW west of Michelago near the ACT border.
  - (6) The memorial was erected privately.
  - (7) There is no record of Government funds being awarded for the construction of the memorial.
  - (8) The memorial was erected privately.
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### **Aboriginals and Torres Strait Islanders—Ngunnawal spelling (Question No 363)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 6 April 2005:

- (1) When did the Government seek independent linguistic validation for the name change of 'Ngunawal' to 'Ngunnawal';
- (2) Who gave this advice and validation;
- (3) How much did this advice cost the Territory;
- (4) Who approved the funding and when;
- (5) What was the construction and erection costs of the new 'Ngunnawal' signs across the ACT.

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

- (1) The ACT Government did not seek any independent linguistic validation advice in relation to this matter.
  - (2) N/A.
  - (3) N/A.
  - (4) N/A.
  - (5) The cost of construction and installation of the three signs erected in May 2002 was \$4,500.
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**Roads—seat-belt compliance  
(Question No 364)**

**Mrs Burke** asked the Minister for Urban Services, upon notice, on 6 April 2005:

What scope is there for the ACT Government to consider permanently doubling the demerit points for not wearing a seat-belt in the ACT given that the non-compliance with seat-belt laws is one of the main causes of road death and injuries.

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

The ACT is party to national road transport reforms, including national driver licensing arrangements and the National Demerit Point Scheme. This scheme relies on all jurisdictions recognising demerit points incurred in other states and territories in a consistent manner. The ACT applies demerit points to offences in line with the National Schedule of demerit points, in accordance with the Territory's general approach of supporting regulatory consistency across jurisdictions. A move towards permanent doubling of demerit points for seat belt offences would be a significant change away from the existing national position.

It is important that national consistencies are maintained. This assists licence holders from all states and territories to be aware of their responsibilities as a driver and the consequences of failing to comply with road transport laws, regardless of where they are travelling.

Under current arrangements, double demerit points are applied to speeding and seat belt offences in NSW and the ACT on public holiday long weekends. One additional demerit point is applied to other traffic offences.

The existing double demerit point program has a high public profile and has significant resources committed to it. The introduction of permanent double demerit points for offences such as seat belt offences could reduce the opportunity double demerit periods provide to highlight road safety issues.

For these reasons, there are no plans to introduce double demerit points for seat belt offences on a permanent basis.

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**Community Linking and Needs Assessment Service  
(Question No 365)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 6 April 2005:

How has the Community Linking and Needs Assessment Service assisted applicants for Individual Support Packages during the most recent funding round who were unsuccessful in securing funding;

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

The Community Linking and Needs Assessment Service (CLANAS) has no ongoing professional role for applicants of Individual Support Packages once the assessment is completed unless the Panel or the Minister requires any further information. However, CLANAS endeavoured to discuss alternate options with applicants in case they were

unsuccessful. This included giving applicants and/or their carers or advocates information about non-Government agencies that they could make contact with. Some applicants and service providers contacted the assessors and discussed issues and options on an informal basis.

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### **Housing—vandalism (Question No 366)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 6 April 2005:

What is the cost to Housing ACT in relation to repairs to Housing ACT properties that have been vandalised and/or damaged, either by an occupying tenant who has admitted liability or by persons unknown, during (a) 2001-02, (b) 2002--03, (c) 2003-04 and (d) 2004-05 to date.

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

- (a) 2001-02 - We have no break up of the actual charge to tenants as the current system was not in place at that time.
  - (b) 2002-03 - \$837,170 was charged to tenants
  - (c) 2003-04 - \$702,721 was charged to tenants
  - (d) 2004-05 YTD - \$705,413 has been charged to tenants.
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### **Policing—off duty speeding fines (Question No 368)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 7 April 2005:

- (1) Further to the reply to question on notice No 154, of the 191 Traffic Infringement Notices (TINs) issued to police officers on duty in 2003-04, how many withdrawn through the TIN Exemption Board;
- (2) Did the TIN Exemption Board withdraw any of the notices due to police officers ignoring road rules as it was deemed necessary or appropriate to do so in the course of their duty on that day;
- (3) Of the 191 TINs issued to police officers on duty in 2003-04, how many of those TINs not withdrawn through the TIN Exemption Board were then appealed through the normal avenue of correspondence to Traffic Representations;
- (4) Of those that then requested withdrawal of the notice through Traffic Representations how many were successful;
- (5) Of the 83 TINs issued to police officers on duty to date in 2004-05, how many of those were withdrawn through the TIN Exemption Board;

- (6) Did the TIN Exemption Board withdraw any of the notices due to police officers ignoring road rules as it was deemed necessary or appropriate to do so in the course of their duty on that day;
- (7) Of the 83 TINs issued to police officers on duty in 2004-05, how many of those TINs not withdrawn through the TIN Exemption Board were then appealed through the normal avenue of correspondence to Traffic Representations;
- (8) Of those that then requested withdrawal of the notice through Traffic Representations how many were successful;
- (9) On how many occasions in (a) 2003-04 and (b) 2004-05 to date have police officers on duty been served with a traffic infringement notice that attracts a penalty involving the loss of six or more demerit points;
- (10) What action is taken when a police officer does attract a penalty involving the loss of six or more demerit points.

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

- (1) 54
- (2) Yes
- (3) This information is not recorded
- (4) To answer this question would be resource intensive and requires manual data extraction and the examination of individual records. However, if a request meets the required criteria, the same as any member of the public, then it can be withdrawn.
- (5) 33
- (6) Yes
- (7) This information is not recorded.
- (8) To answer this question would be resource intensive and requires manual data extraction and the examination of individual records. However, if a request meets the required criteria, the same as any member of the public, then it can be withdrawn.
- (9) a) two infringements notices were issued, and b) one infringement notice was issued.
- (10) Members are required to report in writing to their Co-ordinator that they have incurred a TIN with six or more demerit points. The Co-ordinator shall consider the report and determine whether to withdraw any authorisation to drive official vehicles. The Co-ordinator will advise the member and Professional Standards of their decision.

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**Prisons and prisoners—Quamby  
(Question No 370)**

**Mrs Burke** asked the Minister for Children, Youth and Family Support, upon notice, on 7 April 2005:

Further to the reply question on notice No 136, is the feasibility study to consider site options and inclusions in a new youth detention centre, which you previously stated was scheduled for completion in April 2005, on track to be completed this month; if so, when will the study be presented to Government and when will the study be made public; if not, when will the report now be completed and released publicly.

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

- (1) The first stage of the feasibility study which will focus on an analysis of the various site options will be completed in late May 2005. The Government will consider the recommendations of the study in mid June 2005, after which an announcement on the preferred site(s) will be made.

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**Emergency Services—Fire-Link project  
(Question No 371)**

**Mrs Dunne** asked the Minister for Police and Emergency Services, upon notice, on 7 April 2005:

- (1) How many tender submissions were received by the Emergency Services Authority in relation to the "Fire-Link" project;
- (2) Why was the "Fire-Link" project the subject of a single select tender process and on what basis was it considered there were reasonable grounds to dispense with the ordinary requirements of the ACT Government Procurement (Quotation and Tender Thresholds) Guideline 2003 No 1.

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

- (1) One – FireLink was selected as the best and final offer under a single select tender process.
- (2) The objectives of the project are best served by the adoption of a single select tender process for the following factors:
  - a) The existence of a local supplier who has been proven capable during a 4-month trial;
  - b) The limited timescale for planning and delivery of the required capability, prior to the commencement of the 2004/05 fire season;
  - c) The specialist capability required - a self-replicating mobile radio network that directly suits the ESA operational requirements, particularly in remoter areas, to support the control and coordination of deployed ESA vehicles; and
  - d) As the suppliers for the specialist capability within the marketplace are very limited and known, the invitation of Public Tenders would limit the delivery of the desired outcomes and not present any additional benefits over the single select process.

**Emergency Services—response protocols  
(Question No 373)**

**Mrs Dunne** asked the Minister for Police and Emergency Services, upon notice, on 7 April 2005:

- (1) In relation to urgent duty driving, why is it the case that under the new or proposed Standard Operating Procedures (SOP) a Rural Fire Service (RFS) unit being driven by someone trained in urgent duty driving and responding cannot break the speed limit, whilst an urban Fire Brigade Unit responding to the same fire in the same kind of truck can break the speed limit;
- (2) What is the reason for the discrepancy in the SOP;
- (3) Has the RFS obtained any legal advice on the legalities relating to responding to bushfire incidents; if so, what is that advice; if not, what is its decision to alter the SOP based on;
- (4) Does the Rural Fire Service (RFS) have any other form of professional advice supporting its changes in the SOP.

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

- (1) The differences in Standard Operating Procedures (SOPs) between the ACT Fire Brigade and the ACT Rural Fire Service (ACT RFS) reflects the differences in the levels of experience between a full time, highly trained workforce and a highly trained but part time workforce operating in significantly different emergency response roles;
- (2) There are different SOPs for the ACT RFS and the ACT Fire Brigade, which reflect the different requirements and roles of each responding agency. There is no discrepancy;
- (3) The proposed changes in the ACT RFS SOP reflects the response of the ACT RFS to the duty of care it has for its volunteers and the public when responding crews to a grass or bushfire in the rural area.
- (4) No, this is not necessary as changes to SOPs are a routine matter.

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**Policing—taser use  
(Question No 374)**

**Mrs Dunne** asked the Minister for Police and Emergency Services, upon notice, on 7 April 2005:

- (1) What assessments were done on the Taser X26 before it was introduced for trial;
- (2) What is the scheduled start and finish dates of the trial;
- (3) Are there pre-established criteria against which the judgement as to the success or otherwise of the Taser X26 trial will be made; if so, what are they; if not, why not;

- (4) Which community representatives/stakeholders have been consulted in relation to the trial of the Taser X26 and which community representatives/stakeholders will be consulted in the future;
- (5) What are the guidelines on the use of the Taser X26;
- (6) Will the Minister provide me with a copy of the guidelines;
- (7) Are copies of these guidelines available to the public; if not, why not;
- (8) What, if any, directions have you given to the Australian Federal Police (AFP) relating to the use of the Taser X26 and the parameters of the trial;
- (9) What internal review mechanisms does the AFP have in place in relation to the trial of the Taser X26;
- (10) Who will be the final judge on the success or otherwise of the Taser X26 trial;
- (11) What are the guidelines relating to the use of pepper spray;
- (12) Will the Minister provide me with a copy of the guidelines;
- (13) Are copies of these guidelines available to the public; if not, why not;
- (14) On how many occasions in the last two years have the AFP used pepper-spray on members of the public;
- (15) How many complaints have been made about the use of pepper spray in the last two years;
- (16) What are the AFP's guidelines on the use of force;
- (17) Will the Minister provide me with a copy of the guidelines;
- (18) Are copies of these guidelines available to the public; if not, why not.

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

- (1) In 2002, a member of the AFP Specialist Response and Security Team (SRS) attended Jane's 6th Annual Less than Lethal Weapons Conference in the United Kingdom. The purpose of the visit was to determine what less lethal tools were available to police, and which of those tools were appropriate to the AFP's operational environment. The Taser was identified as one less lethal tool worthy of further investigation.

In July 2003, two SRS members attended the Taser Master Instructors course conducted by Taser International. The purpose of attendance on this course was to further assess the Taser X26 for its suitability for AFP use.

In the period between July 2003 and August 2003, 33 SRS members were directly exposed to the Taser X26 in a practical trial of its suitability and effectiveness. From the tests conducted, a 100% success rate was achieved in relation to the total temporary incapacitation of the member. No member received any injuries as a result of their direct exposure.

During the assessment period, every Australian policing jurisdiction was consulted in relation to their operational experiences with the Taser. At the time of consultation, every policing jurisdiction except Victoria and Tasmania were using the Taser. These two jurisdictions have since adopted the use of the Taser.

The assessment period culminated in the preparation of a proposal document which was formally submitted to the AFP Operational Safety Committee. This submission involved the delivery of a package that outlined methods of use, training requirements, cost, sustainability of the Taser X26 as a permanent use of force option, occupational health and safety issues, operational outcomes experienced in the United States and Australia, medical and technical data, media strategy, and AFP Governance strategies that were outlined in the proposed amendments to Commissioners Order 3. The delivery of this information culminated in the live demonstration of the use of the Taser X26 on a member of the SRS Tactical Response Team.

(2) 1 December 2004 to 1 December 2005. The trial may be extended if further data is required. Any extension will need to be endorsed by the Operational Safety Committee.

(3) Yes.

The trial seeks to assess the suitability of the Taser X26 within the AFP Use of Force framework across a number of operational variables. These variables include:

Incident type; age of the suspect; height of the suspect; weight of the suspect; the existence of drugs or alcohol; the range at which the Taser X26 was fired; the cycle time and number of exposures required; the effect of the suspects clothing; whether any other use of force options were used during the incident such as Oleoresin Capsicum spray (OC) or a baton; whether the offender was armed; any injuries sustained to the police officer and the suspect; whether medical treatment was required; the effectiveness of the probes; the location at which the probes made connection with the suspects body; and the type of application applied either as touch stun or probes.

All of these variables will be recorded after every incident with a view to establishing its suitability within the AFP's operational policing environment. Each incident will be individually assessed against the current AFP use of force framework. A leading question, particularly as it relates to the injuries sustained to police officers and the suspect, will be to determine whether the Taser X26 has contributed to the resolution of an incident with the minimum amount of force reasonable.

It should be noted that the Taser X26 is an additional use of force option that is not designed, or intended, to replace those other options which currently exist. The Taser X26 offers to compliment those less than lethal use of force options which currently exist.

(4) Former Police Minister Bill Wood, Federal Minister for Justice and Customs Chris Ellison, ACT Ambulance, Calvary Hospital, Commonwealth Ombudsman, and I have been consulted.

The trial has commenced and the results will be reported back to the AFP Operational Safety Committee at its conclusion.

The AFP has adopted an open and informative approach through the media in relation to the introduction of the Taser X26 trial. This approach will be maintained into the future.

The AFP will maintain a consultative process and outcomes of the trial will be shared with the key stakeholder group.

- (5) The guidelines for the use of the Taser X26 are contained within AFP Commissioners Order 3 and the Taser X26 training package.
- (6) Commissioner's Order 3 is classified as "Security-in-confidence". As such, it may be disseminated upon request to AFP Professional Standards.
- (7) Commissioner's Order 3 is not routinely available to members of the public, as it contains internal working procedures and discloses police methodology.
- (8) I have not given any directions to the AFP in relation to the use of the Taser X26 or the parameters of the trial. Only SRS will have access to the Taser during the trial.
- (9) The Operational Safety Committee is the primary body in this regard. Through the mandatory reporting measures such as the AFP Use of Force report and an ongoing investment in the trial, the Operational Safety Committee is able to monitor the trial's progress. At the conclusion of the trial, all findings will be presented to the Operational Safety Committee for review and determination.
- (10) The AFP Operational Safety Committee.
- (11) AFP Commissioner's Order 3.
- (12) Commissioner's Order 3 is classified as "Security-in-confidence". As such, it may be disseminated upon request to AFP Professional Standards.
- (13) Commissioner's Order 3 is not routinely available to members of the public, as it contains internal working procedures and discloses police methodology.
- (14) 163 occasions.
- (15) It is too resource intensive to obtain data identifying how many complaints have been made about the use of pepper spray in the last two years as this would involve manual data extraction and examination of individual case records.
- (16) Commissioner's Order 3.
- (17) Commissioner's Order 3 is classified as "Security-in-confidence". As such, it may be disseminated upon request to AFP Professional Standards.
- (18) Commissioner's Order 3 is not routinely available to members of the public, as it contains internal working procedures and discloses police methodology.

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### **Kangaroos—culling (Question No 375)**

**Dr Foskey** asked the Minister for the Environment, upon notice, on 7 April 2005:

- (1) Further to my question without notice of 18 February in relation to kangaroo culling, was any scientific advice provided to the Government that supported the Government's

decision to go ahead with the Googong kangaroo cull in 2004 and can it be made publicly available;

- (2) Was the Minister aware that the Googong slaughter was conducted in a manner contrary to the requirements of the ACT Code of Practice for the Humane Destruction of Kangaroos; if so, when did he become aware;
- (3) Is the Minister aware that the ACT's Animal Welfare Advisory Committee (AWAC) was not briefed about the slaughter until the night it finished;
- (4) Will the Government establish clear, formal processes for Environment ACT to apply in regard to future culls or harvests of kangaroos at Googong or elsewhere even though there isn't any expectation in the foreseeable future that further or additional kangaroo culls will be necessary;
- (5) Will the Government commit to a transparent process, including (a) identifying realistic objectives, (b) independent scientific assessment, (c) public notification prior to the cull, (d) adequate opportunity for public input and (e) an evaluation process to establish whether the slaughter has achieved its objectives;
- (6) Will the Minister provide assurances that any further culling will be in accordance with the ACT Code of Practice for the Humane Destruction of Kangaroos;
- (7) How can we be sure the Minister will consult with AWAC in relation to the welfare aspects of future proposals to kill kangaroos.

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

- (1) The public report *Background Information on Kangaroo and Pasture management at Googong Foreshores for the July 2004 Cull* is available on request from Environment ACT.
- (2) Googong Foreshores lies in NSW and NSW legislation applies. A licence to cull Eastern Grey Kangaroos at Googong Foreshores was obtained from the NSW Department of Environment and Conservation. The cull was conducted in accordance with the National Code of Practice for the Humane Destruction of Kangaroos, as required under the conditions of the licence.
- (3) The ACT Animal Welfare Advisory Committee was briefed on the cull at the first available meeting of the Committee after the decision to undertake the cull had been made. During the course of the culling program, the Chair of the Committee participated in two consultation meetings that were convened by Environment ACT.
- (4) A process is in place to monitor vegetation condition and kangaroo numbers at Googong Foreshores. The Government will be advised of the outcome of this monitoring and its implications for protecting water quality in the Googong Dam. Future decisions on kangaroo management at Googong will be guided by this information. A similar process will apply to other areas.
- (5) The Government will continue to manage land and water resources to conserve ecological communities and to protect water quality for the benefit of the ACT community. Decisions about kangaroo management are part of this process. The setting of objectives and the evaluation of outcomes will continue to be based on sound science. The detail of individual programs will be determined on a case by case basis.

- (6) All kangaroo culling in the ACT will be in accordance with the ACT Code of Practice. Any culling in Googong Foreshores will be in accordance with conditions determined by NSW.
  - (7) The provisions of the prevailing Code of Practice will be observed for any kangaroo culling program in the ACT. The Animal Welfare Advisory Committee will be consulted about any proposed variation to the Code. The Committee will continue to advise me on animal welfare issues and it will be briefed on related matters. However, the Animal Welfare Advisory Committee is not involved in operational decisions.
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### **Children—autism (Question No 376)**

**Dr Foskey** asked the Minister for Disability, Housing and Community Services, upon notice, on 7 April 2005:

- (1) In relation to Therapy ACT, is it acceptable to have an autism diagnosis waiting list of 92 children effective 2 March 2005, resulting in the waiting time for a child less than five years of age being one year and the waiting time for children over five years of age being two years;
- (2) What is the Government doing to reduce the waiting list and the waiting times;
- (3) When can we expect to see the waiting list and waiting periods reduced;
- (4) Will the Minister provide details of what assistance is provided by Therapy ACT to children on the waiting list and their families, including (a) the amount of assistance provided, (b) the type of assistance and (c) how many children are currently receiving this assistance.

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

- (1) No.
- (2) In 2004-05 the government budget initiative provided \$1.63m over the next four years to expand the autism assessment program. The funding has been used to employ three allied health professionals including .6 of a psychologist. This increase in staffing will enable more assessments to be completed, reduce the waiting list and provide family support and training around the assessment and diagnosis phase.
- (3) The waiting list and waiting times have been reduced and it is expected that this will continue.
- (4) The majority of children on the waiting list are already clients of Therapy ACT and are therefore accessing services. Clients referred for autism assessment who are not current clients are asked about their needs and concerns at the intake phase. At this phase if concerns or issues are identified in any of the therapy areas they will be referred to the discipline as well as for autism assessment.

The new Autism Assessment and Family Support team plans to send letters to the family on receipt of referral, at assessment time and also at regular six monthly intervals while

on the waiting list. This letter will also state that if the situation has changed and the family would like to access any of the disciplines for services to please contact the team.

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**Motor vehicles—government fleet  
(Question No 378)**

**Mr Seselja** asked the Treasurer, upon notice, on 7 April 2005:

- (1) Further to question on notice No 212 regarding motor vehicle use on 16 October 2004, of the Landcruiser “Troopy” models used on that day, what are the registration numbers and to which departments do those vehicles belong;
- (2) At what times of the day were these vehicles used;
- (3) For what purposes were the vehicles used;
- (4) How many employees were involved in the use of each vehicle.

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

- (1) I am advised that 1 Landcruiser Troopcarrier vehicle was recorded as being used on 16 October 2004. The registration number of the ACT Fleet vehicle is 210 953. The vehicle is operated by ACT Emergency Services.
  - (2) 3:30pm to 7:00pm.
  - (3) Set up Emergency Services display for the Southcare Open Day on 17 October 2004.
  - (4) 2 members.
-