



DEBATES

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LEGISLATIVE ASSEMBLY

FOR THE
AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

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2005

Thursday, 20 October 2005

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Thursday, 20 October 2005

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

Administration (Interstate Agreements) Repeal Bill 2005

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.31): I move:

That this bill be agreed in principle.

Mr Speaker, today I am introducing the Administration (Interstate Agreements) Repeal Bill 2005. The bill will repeal the Administration (Interstate Agreements) Act, which requires that ministers inform the Assembly of interstate agreements that are under negotiation and that require legislative action in the Assembly.

Following a review by my department of the operation of the act, the government has decided to replace the limited consultation provisions of the act with a range of new, non-legislative intergovernmental consultation measures. These new measures will go significantly further than the act in informing the Assembly of intergovernmental negotiations and agreements. The government's aim is to establish a less rigid but more comprehensive flow of information to the Assembly concerning the full range of intergovernmental agreements.

At the time of its introduction, the act was designed to operate on the level of information and consultation with a minimum of legal constraint on the executive. The declared purpose of the act was to ensure that the executive would not foist interstate agreements requiring legislation on the Assembly without first allowing members time to consider and comment on the implications of the agreements. All members would agree as to the desirability of informing the Assembly of forthcoming intergovernmental agreements. The interstate agreements act has proven, however, to be a limited and less than satisfactory vehicle for such consultation.

By their very nature, intergovernmental agreements are varied and often complex. Negotiating such agreements does not follow a set course. On many occasions, discussions towards an agreement begin at relatively low levels in the bureaucracy and with a very broad scope. Such discussions often involve developing communiques or statements that do not involve detailed commitments. Negotiations may unfold over a period of many months and possibly even years. It may not be until very late in the negotiations, or even as they are completed, that it becomes clear for the first time that legislation will be required.

Against such a background, it is often impossible to determine if a particular set of intergovernmental negotiations are captured by the act until the process is so far advanced that consultation with the Assembly loses its value. Whilst successive governments have sought to implement both the letter and spirit of the act, the dynamics of intergovernmental processes have limited the effectiveness of the legislation. It is against this background that the government has decided to repeal the act and replace it with non-legislative consultative measures to enhance the transparency of intergovernmental negotiations.

The new measures not only live up to the objective of the act; they will surpass them. In particular, the government's measures will apply to all intergovernmental agreements, made with the commonwealth and/or another state or territory, signed by a minister. This approach will catch a wider range of agreements than the act has done, but without the uncertainty and definitional problems that attended the operation of the act.

There are three limbs to the government's new intergovernmental consultative measures. Firstly, my department will compile and maintain a list of current negotiations towards intergovernmental agreements that it is anticipated ministers will sign. This list will be updated and tabled in the Assembly every six months. This will provide members with a regular and comprehensive overview of intergovernmental negotiations, a considerable improvement on the present intermittent notification of individual notifications and agreements. The first list will be tabled shortly after the passage of this bill.

Secondly, ministers will table in the Assembly the full text of any intergovernmental agreement as soon as practicable after it has been signed. Finally, the department will maintain a publicly available register of new intergovernmental agreements to which the ACT is a party. This register, including the full text of agreements, will be available on the department's web site.

Of course, it is possible that on rare occasions a government may become party to intergovernmental negotiations or agreements that, by their nature, are confidential, and releasing details would be against the public interest. Agreements pertaining to counter-terrorism or security may fall into this category. In such rare cases where disclosure is against the public interest the government may, as appropriate, consider providing appropriate briefings to the Leader of the Opposition and other members of the Assembly.

The measures I have outlined today will allow interested members of the Assembly to keep abreast of the intergovernmental matters to which the ACT may commit. Members will then have every opportunity to raise matters of interest or concern with the government, or else pursue these through appropriate mechanisms, for example, Assembly committee proceedings. Furthermore, for the first time, members of the public will be provided with easier access to information regarding the details and commitments contained in the agreements to which the ACT is party.

These measures represent a major enhancement of the openness of the ACT's intergovernmental relations and are a concrete demonstration of the government's commitment to accountability and transparency. This is a further step in implementing the code of good government that I first enunciated in 2001.

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

Justice and Community Safety Legislation Amendment Bill 2005 (No 3)

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.38): I move:

That this bill be agreed to in principle.

Mr Speaker, the Justice and Community Safety Legislation Amendment Bill 2005 (No 3) is the fourteenth bill in a series of bills dealing with legislation within the justice and community safety portfolio. The bill makes a number of minor and technical amendments to portfolio legislation. The amendments are as follows.

The Civil Law (Wrongs) Act 2002 requires insurers to provide, in relation to the ACT insurance market, annual returns indicating the quantum of premiums taken, claims made, claims paid and claims refused. I am required under section 205 of the act to present to the ACT Legislative Assembly a report about key findings arising from the annual returns given to me by insurers before 31 October of each year. To take account of possible irregularities in Assembly sitting days, this amendment changes this formulation to require tabling of the report within five Legislative Assembly sitting days from 1 October.

Following recent reforms to the Civil Law (Wrongs) Act 2002 dealing with workers compensation claims under part 5.2 of the act, the act is further amended to ensure that the pre-claim procedure requirements apply to a claim for damages against a respondent who is not an employer or third party insurer. This could occur in a situation where the potential respondent to a common law claim was, for example, the occupier of premises and the claim was a public liability claim. In these circumstances, it is appropriate for notice to be given to such a respondent in accordance with claims procedures. To avoid unnecessary costs on claimants, the bill also amends the Civil Law (Wrongs) Act 2002 to exclude the application of other onerous obligations from workers compensation claims where the claimant would be duplicating procedures.

The next amendment relates to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. This amendment updates the offences that are exempt from the operation of section 64 of the act, which deals with the timing of a prosecution of an offence.

The Consumer Credit Act 1995 and the Consumer Credit Regulation 1996 have been amended to state that in working out a maximum annual percentage rate in a credit contract, regardless of whether the contract is for short-term or long-term credit, all

interest fees and charges must be included in the calculation. This ensures a fairer system where hidden fees and charges do not enable credit providers to charge their customers extortionate amounts. The act has also been amended to remove references to short-term credit contracts as the section now applies to both short and long-term credit. This is to ensure that short-term credit providers do not evade the operation of the section by providing credit outside the short-term time lines.

The Crimes (Child Sex Offenders) Act 2005 is being amended to include a range of new federal child pornography offences in its current list of class 2 offences. The inclusion of the commonwealth crimes of trafficking of children, using, possession and producing child pornography material through a carriage service, and using a carriage service to procure or “groom” children under 16 years of age will now qualify a sex offender for registration on the ACT child sex offenders register.

The Crimes (Restorative Justice) Act 2004 currently provides for a centralised restorative justice unit that can be accessed by agencies involved in criminal justice. The focus of the act is primarily on victims of crime, but it also aims to have a constructive impact upon offenders. The key vehicle to restorative justice in the ACT’s scheme is a facilitative conference between the victim and offender to discuss the offence, the impact of the offence and what can be done to repair the harm.

Section 22 of the act and its corresponding table 22 contemplate which agencies can refer matters to the restorative justice unit. Section 22 refers to chief executives when performing particular statutory roles as in some cases the actual chief executive may be the same person. The table in section 22 sets out when an entity has the authority to refer an offence to restorative justice by referencing the stage in the criminal justice process. For example, the police can refer an offence after a person is cautioned about an offence, but not after a prosecution referral is made.

At the time the act was drafted it was unclear whether the chief executive responsible for the Children and Young People Act 1999 would need, or have the occasion, to refer offences to restorative justice after the imposition of a sentence. Now that the act is in effect, it is clear that there is occasion for the chief executive for the Children and Young People Act to refer matters to restorative justice after a sentence is imposed.

The Fair Trading Act 1992 is also being amended. The amendment to the Fair Trading Act addresses the unnecessary complications in the fair trading scheme for codes of practice. The current scheme duplicates the work of giving effect to approved codes of practice by providing for approved codes and amendments to be prescribed by regulation, as well as requiring the codes to be notified by notifiable instrument. The bill amends the Fair Trading Act 1992 to simplify the process by making codes of practice by disallowable instrument. The process of approval by disallowable instrument provides a more efficient process of approval, while maintaining an appropriate level of scrutiny by the Assembly.

Section 26 of the Guardianship and Management of Property Act 1991 requires a financial manager to file certain accounts and documents with the public trustee, who in turn is required to examine these accounts and apply to the tribunal for disallowance of any item in the accounts. The fee for this service is determined under the act. The bill

amends the Guardianship and Management of Property Act 1991 to enable the public trustee to waive fees under section 26 where the trustee feels it is appropriate, for example, in cases of financial hardship.

The amendment to the Notaries Public Act 1984 clarifies the position in relation to a lawyer's application to the Supreme Court to be a notary public. The act currently provides that where a lawyer is deemed to hold an unrestricted practising certificate by an order of the Supreme Court, under the Legal Practitioners Act, for the purposes of deciding an application for appointment as a notary public the court cannot use the deeming provision as a qualification under section 4 of the act when deciding the appointment. Given that the Supreme Court will be deciding the outcome of the lawyer's appeal of the law society's decision not to issue them with the unrestricted practising certificate, it is appropriate that the decision to approve that person's application for appointment as a notary public should also be left to the discretion of the ACT Supreme Court. For this reason, removing section 4 (2) of the act gives the Supreme Court that discretion.

The amendment to the Public Trustee Act 1985 will allow the public trustee to provide for the payment of moneys in the case of small estates without the need for a grant of administration. In the case where an estate is small, the cost of applying for and obtaining a grant of administration in terms of time and money can be significant and may, in some cases, diminish significantly the value of the estate. Abolishing the need for a grant of administration takes account of these situations.

The amendment to the Remuneration Tribunal Act 1995 makes a consequential amendment to include the Children and Young People Commissioner in a list of commissioners to whom the act will apply.

The amendment to the Residential Tenancies Act 1997 and Residential Tenancies Regulation 1998 will ensure that interest earned from rental bond moneys under the Residential Tenancies Act 1997 will be placed in a trust account held by the Department of Justice and Community Safety, ensuring that the money is not, in any way, mistaken as part of the department's budget.

The bill also recognises the recent creation of a new class of agreements under the act, that is, occupancy agreements between an occupant and a grantor. The bill amends the act to give the Residential Tenancies Tribunal the power to restore an occupancy agreement, which is similar to its current power to restore a tenancy agreement.

Currently under the Unclaimed Moneys Act 1950, where a company holds a sum of unclaimed money, the company uses a portion of the unclaimed money to fund public advertising of the sum for collection. This can be very costly and can seriously deplete the sum of unclaimed money held. The act states that, after a period, all unclaimed money must be paid to the public trustee. This bill amends the Unclaimed Moneys Act 1950 to require the company to place a brief notice in the newspaper telling the public that the company holds unclaimed money and where they can go to find out details of the amounts and claim them. This will reduce the cost of advertising and therefore help to preserve the unclaimed moneys.

I turn to implementation of the Court Procedures Act 2004. In addition to the amendments I have just mentioned, there are a number of technical amendments contained within the bill that have been drafted to enable the implementation process for the Court Procedures Act 2004 and the facilitation of the development of the Court Procedures Rules 2006. The process aims to streamline and make uniform court procedures that occur incidentally in many pieces of legislation. This bill has identified many of these incidental provisions found in a variety of legislation and has amended and relocated them to the Court Procedures Act.

These amendments are to the Administration and Probate Act 1929, the Business Names Act 1963, the Children and Young People Act 1999, the Confiscation of Criminal Assets Act 2003, the Coroners Act 1997, the Evidence Act 1971, the Evidence Regulation 1992, the Magistrates Court (Civil Jurisdiction) Rules 2004, the Magistrates Court Act 1930, the Supreme Court Act 1933, and the Supreme Court Rules 1937.

Mr Speaker, I commend the Justice and Community Safety Legislation Amendment Bill 2005 (No 3) to the Assembly.

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

Statute Law Amendment Bill 2005 (No 2)

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.49): I move

That this bill be agreed to in principle.

Mr Speaker, this bill makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The bill makes amendments that are minor or technical and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001.

However, the bill serves the important purpose of improving the overall quality of the ACT statute book so that out laws are kept up to date and are easier to find, read and understand. A well-maintained statute book significantly enhances access to ACT legislation and it is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various

drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

Statute law amendment bills deal with four kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by government agencies. Schedule 2 contains amendments of the Legislation Act 2001 proposed by parliamentary counsel to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by parliamentary counsel to correct minor typographical or clerical errors through grammar or syntax, omit redundant provisions, include explanatory notes or otherwise update or improve the form of the legislation. Schedule 4 repeals redundant legislation.

Mr Speaker, the bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them now. However, I would like to mention briefly several matters. Schedule 1 includes an amendment of the Land (Planning and Environment) Act 1991 to remove an anomaly relating to when an approval to conduct a development would become effective if an objection were made to the application for approval.

As the act stands, the approval can take effect before the end of the period for making an application to the Administrative Appeals Tribunal for review of the decision to give the approval. This is because the period after which the approval became effective, and the application period for AAT review, can begin on different days. This will be the case if the objector or third party is not notified of the decision on the day that it is made.

The anomaly is removed by bringing the operation of the provision about when the approval becomes effective into line with the time limit for an objector to apply to the AAT for review of the decision to give the approval. The amendment gives effect to the suggestion of the AAT in the recent case of Tonks and ACT Planning and Land Authority that the act should be amended to ensure consistency between the two provisions.

Schedule 1 also includes amendments of the Waste Minimisation Act 2001 to change references to the Environment Protection Authority to the chief executive. The amendments will enable administrative responsibility for the act to be set in the usual way by administrative arrangements under the self-government act and the Public Sector Management Act 1994. The purpose of the amendments is to facilitate the transfer of administrative responsibility for the act from the Minister for the Environment to the Minister for Urban Services. In practice, ACT No Waste has practical responsibility for the matters covered by the act.

The amendments of the Legislation Act in schedule 2 reflect the ongoing review by parliamentary counsel of the act's operation and the improvement of its usefulness. The amendments include the remaking of the provisions about the reckoning of time to provide comprehensively for working out the time for doing something required or allowed to be done under an act or statutory instrument. The new provisions do not significantly change the law, but rather deal with a range of cases not dealt with by the existing provisions of the Legislation Act. The amendments are intended to create greater

clarity in the operation of the statute book that will lead to a better understanding of how time is worked out for statutory provisions.

Schedule 3 includes amendments of six acts that have been reviewed as part of an ongoing program of updating and improving the language and form of legislation. The acts reviewed include the Administrative Decisions (Judicial Review) Act 1989, which applies to most decisions of an administrative character made under enactments. The act allows a person aggrieved by such a decision to ask for a statement of reasons for the decision and to seek judicial review of the decision. The amendments are technical in nature and include the updating of language, the breaking up of several complex provisions into smaller provisions and the restructuring of the schedules to improve the accessibility of this important act to legislation users. Schedule 4 repeals four banking-related acts that are no longer needed.

Mr Speaker, in addition to the explanatory notes in the bill, parliamentary counsel are available to provide any further explanation or information that members would like about any of the amendments made by the bill. The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is second to none in Australia. Despite the nature of the amendments, their cumulative number has created a substantially sized bill on this occasion. Mr Speaker, I commend the bill to the Assembly.

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

Administration and Procedure—Standing Committee Membership

Debate resumed from 18 October 2005, on motion by **Mr Smyth**:

That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and that Mr Seselja be appointed in Mrs Dunne's place.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.56): Mr Speaker, I was concerned that a precedent was being set and I was a bit disturbed about it. I understand that discussions have since occurred and we will be hearing more about that later.

I rise to speak from my experience of having spent three years in this place as a government whip. I think I should address a number of issues. The first thing I would like to say is that I recognise and respect the right of the leader of the Liberal Party to distribute portfolios and responsibilities as he or she deems fit, but I wonder whether this right and authority should be exercised if exercising it appears to be inconsistent with a determination by the remuneration tribunal. The mere provision to this place in the first place of a motion and an appointment would seem to indicate either a lack of understanding of the remuneration tribunal's determination—a disregard for that determination—or a disregard for precedent and convention in this place.

Mr Speaker, the job that either whip actually discharges is borne in convention, or such was the case until, I believe I am correct, the 2001 to 2004 life of the Assembly when a submission was put to the remuneration tribunal which in a sense, because of the remuneration tribunal's agreement to the payment of an allowance, actually started the codification of exactly what those duties were.

For the record, I will list some of them: the arrangement of pairs; negotiation with all three sectors of the Assembly on private members' business; the coordination of speaking lists for private members' business; advice to colleagues on the conduct of debates and the interpretation of standing orders; disciplinary processes such as privileges committees, censure motions and no-conference motions; and, significantly, membership of the Standing Committee on Administration and Procedure. That is where we had, in my view, the potential for a really bad precedent to be set.

In my view, the remuneration tribunal had as a major plank of the reason for the allocation of an allowance a whip's membership of the administration and procedure committee. A whip has a couple of roles there. The minor role is negotiation of the order of business for private members' business. The major role is the provision of assistance to the Speaker, in committee, on managing the parliamentary precinct. That is something which often members do not see happening, but it is actually a major role. In the management of that precinct, for example, the committee provides advice to the Speaker on the elements to be put forward in budgets, security matters concerning the precinct and a whole range of other issues.

That is an administrative role, and it was recognised by the remuneration tribunal as one of the major planks for granting an allowance and it was why this side of the house supported Mr Stefaniak's submission—I do not know whether it was on his own behalf or on behalf of the Liberal Party—to the remuneration tribunal to get the duties recognised. We were quite happy with that and we now have that recognition.

I believe that this motion should never have been put forward. According to the motion, the role of providing advice to the Speaker on the management of the precinct is to go to the manager of opposition business. It should be stated that there is no recognition of the role of the manager of opposition business. It is not recognised in this place and it is not recognised by the remuneration tribunal. So any extra workload that that member may carry is not actually recognised and rewarded by an additional allowance in his or her pay packet. Indeed, such is also the case on this side of the house. The manager of government business receives no remuneration in addition to compensate for that extra workload.

Of concern to me here is this disregard for the remuneration tribunal's approach to what is essentially a job distribution in this place. Are we talking about incompetence or conspiracy? In this case, I will go with incompetence. It is probably not the first time we have seen it and it probably will not be the last time. But it is also an insult, in my view, to the manager of opposition business to say to him, "We want to get you to carry the load and we are going to pay someone else for carrying it."

I have to say that I have a problem with sustaining a view to the remuneration tribunal that we should pay an allowance of \$10,000 to somebody who merely arranges pairs in

this place. We had enough trouble with the pairs last time, but the job is not so onerous as to require an allowance of \$10,000. The management of this precinct and assistance to the Speaker in doing so, in my view, is the major reason that we should support such a thing.

I understand that Mr Smyth will have something to say about this motion later. I sincerely trust that he has reviewed his decision. If he has not, a further submission to the remuneration tribunal may very well be warranted. I certainly would be supporting such a submission.

MR SMYTH (Brindabella—Leader of the Opposition) (11.03): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted

MR SMYTH: I move:

Omit “Mr Seselja”, substitute “Mrs Burke”.

The amendment actually does what Mr Hargreaves has just suggested. Mr Hargreaves pointed out a few things to me on Tuesday after I had moved the motion and, having reviewed the decision, we will now recombine the positions.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.04): This is an interesting turn of events from the opposition. I am, in many respects, grateful that the opposition has heeded the issues that have been raised by my colleague Mr Hargreaves, in that the role of the opposition whip includes a level of payment as determined by the remuneration tribunal which reflects the role that the whip plays in the Standing Committee on Administration and Procedure. So, in many respects, this move is to be welcomed.

But I think Mr Smyth is being a little disingenuous if he suggests that the reason he is doing this is that these matters have been brought to his attention by Mr Hargreaves in the last 30 seconds. I think there might be some other dynamics at play in the Liberal Party. In particular, it is very interesting because as of Monday this week we understood that the order was given by the leader that Mr Seselja would be the manager of opposition business and Mrs Burke would be on the Standing Committee on Administration and Procedure and that that was to be the end of it—these were not options; these were not things that were to be negotiated; this was the leader’s decision.

Mr Hargreaves: Decisive leadership.

MR CORBELL: Indeed, Mr Hargreaves: decisive leadership on the part of Mr Smyth. What has happened to change Mr Smyth’s mind in the past two or three hours? I doubt it is the wise counsel of my colleague Mr Hargreaves.

Mr Hargreaves: Thanks very much.

MR CORBELL: Wise it is, Mr Hargreaves, but I doubt it is your wise counsel. I think it might have more to do with some members of the Liberal Party being prepared to

express their concerns and their opposition to Mr Smyth's proposed appointment if this matter came to a vote in this place. I think perhaps that has a lot more to do with it. Indeed, I would invite some of the members who have concerns on this matter to voice them. I think it would be valuable in particular if Mrs Dunne were to advise us of whether or not she is still happy to relinquish her position on the Standing Committee on Administration and Procedure, because it is an important role and Mrs Dunne does have some experience in these matters having now had one and a bit terms in this place. She has a strong grasp of these matters. We do not agree with each other on all of these matters—Mrs Dunne will be very familiar with that—but at least she has an understanding of them.

The person now being proposed as the representative of the Liberal Party on the Standing Committee on Administration and Procedure, Mrs Burke, is the same member who on Tuesday asked the Minister for Children, Youth and Family Support to move that a paper be noted that she had presented. Normally when you ask for that to happen it is either because you want to adjourn the debate or so that you can speak to the motion. But what did Mrs Burke do after she convinced the minister to move that the paper be noted? She just voted that it be noted. She did not speak; she did not even adjourn it. She said, "Thanks very much," and away she went. That was a piece of tactical genius if ever I have seen one. I am not quite sure exactly what it was meant to achieve. I think it was so subtle that it went over my head. You really do have to wonder how we are going to go in admin and procedure with Mrs Burke in that role, but we will give her the benefit of the doubt, and we will look forward to further nuances of tactical genius from the new opposition whip when it comes to the standing orders in this place.

But the real issue that needs to be asked here is: why did Mr Smyth change his mind? And why did he decide that Mrs Burke and not Mr Seselja should go on this committee? I think it is fairly clear to all in this place that what is really happening is that we have a Liberal Party in absolute turmoil; a Liberal Party biting, fighting and scratching amongst themselves, unclear as to their future direction. The leader is so desperate to maintain his position that he had to back down on his decision in the last couple of days as to whom he would appoint as the representative on the Standing Committee on Administration and Procedure, because of turmoil, unrest and dissension in his ranks.

The bottom line is that the government will support whomever the Liberal Party nominates to this role; that is the convention in this place and we will respect it. But I am afraid that for Mr Smyth this only puts off the fateful hour.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.10): I wish to speak very briefly to the amendment. Mr Corbell has made some points, and made them well, in relation to this. It really is passing strange that within the space of two days we had the decisive action of removing Mrs Dunne from her role. We need to recall that this motion was precipitated by a need for the Leader of the Opposition to discipline one of his colleagues—for an act that has yet to be explained to the Assembly, or fully explained to the community. I believe that through this process Mrs Dunne is to be, formally, further disciplined, and on this occasion with the assistance of the Assembly as a whole.

Mr Corbell makes the point that the convention is that this is very much a matter for the opposition to determine, and on that basis the government will support the amendment and the motion. But this is the time and the occasion for the Leader of the Opposition to fully explain, and it is a pity that he has not taken the opportunity yet to do so; perhaps he will in closing the debate. I urge the Leader of the Opposition to do that. The Assembly and the people of Canberra have a right to hear, and deserve some explanation of, the circumstances—at this stage rather murky circumstances—that led to the need for the Leader of the Opposition to so publicly and decisively censure, and in a way publicly humiliate, his colleague by removing from her her responsibilities as manager of opposition business and opposition whip, and now completing the trifecta of punishments by removing her from her position as a member of this particular committee.

The circumstances, as I say, are currently murky, but they certainly are of real public interest and concern. Mrs Dunne is being disciplined for leaking security information from her office. I think there are a number of issues there. What was the information? How did Mrs Dunne come by it? On what basis did she leak it? Was it appropriate or inappropriate that it be leaked? Why, if it was of such significance or sensitivity, did she have it in the first place as a member of the opposition, and to whom did she leak it? And was it a crime deserving of this very, public punishment and humiliation? I think those are issues that the Assembly should be advised of, and that the broader community should have some understanding of.

The matter is of such significance to Mrs Dunne that she has invited ACT Policing into her office to investigate the matter; I presume that undertaking by Mrs Dunne has been implemented. Police being invited into this building to investigate matters raised publicly by the Leader of the Opposition—that rather extreme circumstance of ACT Policing being invited into this building to investigate a matter that the Leader of the Opposition believes to be of such significance that he must discipline one of his frontbench members in this way—really is a matter that deserves fuller explanation.

I believe this Assembly has a right to understand the basis on which the police have been asked to investigate matters concerning the opposition. I reiterate the points made by my colleagues in relation to this move. To be fair about it, we all do understand very well—and I am sure the community does—the basis on which Mr Smyth, with the forceful, decisive action that he has taken over the last few days, has today been forced by his party room to back down. It really has come to a serious position for the Assembly, and certainly for the governance of the territory, when within the space of two days the Leader of the Opposition has been humiliated and humbled by his party room in this way. He cannot have decisions that he took and motions that he moved, as recently as two days ago, debated and brought to finality because his party room revolted.

Mr Corbell: Dead man walking.

MR STANHOPE: Yes, it is a classic; it is a long two-day dead-man walk from Tuesday to Thursday when a motion moved on Tuesday, but not put, is forced in this very public way to be amended. When the party room is prepared to embarrass its leader in this way, it really is a very strong signal of the fact that support has collapsed. That is not in the

best interests of the Assembly or of governance within the territory, and I do urge the Liberal Party to sort their problems out.

Mrs Burke: You've got enough of your own to sort out, Jon. You look after yourself.

MR STANHOPE: Well, I do. Such is my respect for the role of the opposition in a democracy, we, as a government want a good opposition in this place. The people of Canberra want and deserve a good opposition. We do not agree with you; we never will. We are divided by policy, ideology and a whole range of values, but we respect absolutely the importance of a united, strong, coherent opposition, and the people of Canberra deserve one. So sort your problems out. This cannot go on. Either get behind your leader or find another one. Stop mucking around. Do the right thing by the people of Canberra. It is embarrassing in the first place to have a leader publicly humiliate a frontbench opposition spokesperson in the way that the Leader of the Opposition has humiliated Mrs Dunne. But then for the party room to return the compliment two days later and to humiliate its leader in this way—forcing him to back down, on a threat of public humiliation on the vote—really is pretty grim, and we all know it.

MS MacDONALD (Brindabella) (11.17): I will not be long. I just wanted to mention a couple of things. It is interesting to note this change that has come about in the last two days. Mr Hargreaves has pointed out the historical aspects of payment to the position of opposition whip and government whip—the fact that neither the manager of government business nor the manager of opposition business gets paid in that capacity. It brings to my mind the fact that the line between my role and that of the manager of government business is very well delineated. Mr Stanhope has just been speaking about the Liberal Party getting their issues sorted out, and I certainly hope that they do.

As an example of the disarray, yesterday, within the space of five minutes, just before we went to the adjournment debate, I was visited by both the new opposition whip and the new manager of opposition business, speaking about what was going on in this place, which had us running around in total confusion as to what was going on. I would respectfully suggest that maybe the opposition whip and the manager of opposition business should turn around and look at each other and start talking to each other a little bit more so that they can keep the Assembly well informed of what is going on. Otherwise, we will end up with a situation of total disarray.

I am prepared to accept that both the manager of opposition business and the opposition whip are new to their positions. I am still feeling relatively new to the position of government whip myself, and I know that in the past almost 12 months I have made a few mistakes in this place as government whip, and I have on those occasions apologised to my colleagues when it has put them out of sorts, and certainly I have made apologies to the admin and procedure committee.

It is at this point that I would like to pay tribute to Mrs Dunne for the role that she filled while she was on the admin and procedure committee, and I do mean this sincerely. It is very easy to stand in this place and take a swipe at people, but I have to say that Mrs Dunne has been in the position of opposition whip for about three years. Mr Stefaniak did it for a little time, I believe, when I was first elected as a member, so it is not quite four full years. Although I am not ever going to necessarily agree with the opposition point of view, as I said yesterday I respect the role that the opposition—and

indeed the crossbench—plays both in this place and on the admin and procedure committee, in making sure that the place runs smoothly. We know that the Clerk runs everything in here, so it will run smoothly anyway. But the role of the admin and procedure committee in advising you, Mr Speaker, is a vital role, and having the experience of somebody like Mrs Dunne along the way has made a significant difference. We would always have the argy-bargy over who was going to get what position on private members day, and ironically that seems to have been resolved just as you are leaving, Mrs Dunne—unfortunate but true.

In summary, I do hope that both the manager of opposition business and the opposition whip can start communicating with each other in order to assist the Assembly, and I thank Mrs Dunne for the role that she played.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.22): I want to, firstly, thank Mr Smyth for accepting wise counsel. How long have we been here? Seven years? I am right now; I have lived long enough to see that happen, so I am ready to go. I have got some more wise counsel, however. Ms MacDonald alluded to some confusion in the ranks yesterday, with confusing messages. Confusing messages can come when you get two people talking about the same subject when they have not spoken to each other.

The Leader of the Opposition might consider merging the two jobs of whip and manager of opposition business. I believe that it has happened before. This amendment came and the backflip happened. Well, I am quite happy to wait while we get another amendment sheet that could reflect that. I think that is probably a good idea. Why do I think that a good idea? It is because when I was government whip, Mrs Dunne was just that—whip and manager of opposition business—and what we had was a consistency of conversation and communication. Sure, we had fights over things like pairs and the results of motions and things like that. But we served, I think, particularly well in a parliamentary sense, as parliamentarians, on the admin and procedure committee, and we had a good relationship and an honest relationship. If I can recall it correctly, the times when we had swords drawn were when one of us believed that the other had betrayed the trust. Such was not the case, but that was our understanding, and I think those were the only times when swords were drawn. Once those things were resolved, everything was cool again. So I just leave that thought with the Leader of the Opposition.

The other thing I want to make a point about is that there seems to be a bit of natural justice missing. The thing that concerns me is that I did not see a lot of natural justice in the manager of opposition business being asked to assume a load that should be carried by the whip. I see that Mr Smyth has fixed that, and I have to congratulate him on the speed of it all. But I am concerned at his actions in saying to Mrs Dunne that she was no longer the whip and no longer on this and that, because of x, y, and z.

If the gospel according to the *Canberra Times* is to be believed, the major plank was this leakage out of Mrs Dunne's office. Mrs Dunne was as quick as lightning in bringing the police into her office to check it out and to put some information on the table about that. I would have thought that a bit of natural justice would have applied and that the Leader of the Opposition would have waited until that investigation was over and then considered it.

There has obviously been a clear denial of natural justice to Mrs Dunne here. Again, we respect the right of the Leader of the Opposition to be as incisive and decisive as he or she might want to be. He can pick and choose and give jobs away for whatever reason he may have, including, of course, the preservation of his own position. I would hate to be in the position of Leader of the Opposition and have to resort to this sort of thing to keep the job, though. Perhaps we might hear from those opposite who are concerned about the application of natural justice in the case of Mrs Dunne. Perhaps from their silence we can take that to mean that they are quite happy to see the denial of natural justice to one of their colleagues. I invite them to say to this chamber what they think about it all.

This is not the first time, in fact, that we have seen this sort of precipitate action on the part of Mr Pratt. I can remember during the election campaign of 2004 an incident at an election booth in Wanniassa—Wanniassa High to be exact—where an aspirant for the Liberal Party had encroached two toenail lengths across the 100-metre line. He was moved on by the electoral office; he was dobbed in. Was he dobbed in by the Labor Party? No. Did you do it, Ms MacDonald? No. Mr Gentleman, did you do it? No. Did I do it? No. Did I even discuss it with anybody? No, not until afterwards. But I had a hoot when I discovered who it was who dobbed in the poor man. It was Mr Pratt; he stuck the knife into one of his own during the election campaign. Now he has run out of people to stab, so he thought; “Well, I will stab the nearest person to me. Who is that?” He looks around and sees Mrs Dunne and thinks; “Beauty—I will get her,” and he has. So I say to the Liberal Party’s hatchet man over there, “Well done, son. You’ve removed an element of opposition. You in fact removed one of the few people with any decency and any intelligence on your side of the house.”

Mr Pratt: You hypocritical bastard.

MR SPEAKER: What was that, Mr Pratt?

Mr Pratt: I withdraw the word after “hypocritical”.

Mr Hargreaves: I raise a point of order, Mr Speaker: I think ‘hypocritical’ is a disorderly phrase in this place.

MR SPEAKER: I do not think so. The other bit was unparliamentary, and Mr Pratt has withdrawn that, so we can move on.

MR SMYTH (Brindabella—Leader of the Opposition) (11.29): I thank those opposite for their interest in this matter. There has been a reassignment of roles in the opposition, and this motion reflects that reassignment.

Amendment agreed to.

Motion, as amended, agreed to.

Public Accounts—Standing Committee Statement by chair

MR MULCAHY (Molonglo): Pursuant to standing order 246A, I wish to make

a statement, on behalf of the Standing Committee on Public Accounts, on its reviews of the Auditor-General's report No 4 and Auditor-General's report No 6 of 2004.

On 3 August 2004, the Auditor-General's report No 4 of 2004, *Data reliability for reporting on the ACT "No Waste by 2010" strategy*, was referred to the Standing Committee on Public Accounts for inquiry. On 4 November 2004, the Auditor-General's report No 6 of 2004, *Workers' Compensation Supplementation Fund*, was referred to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received briefings from the Auditor-General in relation to the aforementioned reports on 3 August 2005. The committee considered inquiring into the reports and resolved that they do not warrant further inquiry.

Executive business—precedence

Ordered that executive business be called on.

Dr Foskey: Mr Speaker, I seek leave to table a petition.

Statement by Speaker

MR SPEAKER: Before I ask whether leave is granted to Dr Foskey, I would just like to refer the Assembly to the large number of standing orders that deal with the issue of presentation of petitions. I make no observations about the petition that Dr Foskey is seeking leave to present, but my guess is that not many members would know what is in the petition. There is some history in other parliaments where petitions have been the subject of debate, critical of members, because of the style of petition that has been put forward. I repeat that I make no observation about the petition that Dr Foskey seeks to put forward. I merely draw attention to the need for petitions to be processed in accordance with the standing orders. Is leave granted for Dr Foskey to table this petition?

Leave granted.

Paper

Dr Foskey, by leave, presented the following paper:

Petition—out of order

Glebe Park—Petition regarding the development of adjacent land.

Mr Corbell: In passing, I remind Dr Foskey that there is a procedure. By convention, the manager of government business is always happy to table out-of-order petitions and that is often the process that is adopted in this place. If members do have an out-of-order petition, it is possible to raise it with the government and it can be tabled in that way.

Sitting pattern

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.32):
I move:

That the resolution of the Assembly of 9 December 2004, as amended 17 March

2005, relating to the sitting pattern for 2005 be amended by omitting Friday, 21 October 2005.

This is a simple amendment to delete the proposed half-day of sittings for tomorrow. The government has been progressing through its business promptly, the Assembly has been dealing with the business promptly and therefore there is no need to sit tomorrow.

Question resolved in the affirmative.

Criminal code (Administration of Justice Offences) Amendment Bill 2005

Debate resumed from 23 June 2005, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.34): This bill represents the next stage in a process that started in 2001 to codify the criminal law of the ACT along the lines of recommendations made by the Standing Committee of Attorneys-General. What it does is to insert a new chapter 7 in the criminal code to deal with offences that are directed against the proper administration of justice in the ACT.

Most people in the community would have heard of offences such as perjury and perverting the course of justice. These offences are likely to be found in the common law, and what the bill does is to effectively codify these offences. Included in the bill are all the offences that were recommended by the Model Criminal Code Officers Committee, which has been meeting in relation to the code for a number of years, together with excerpts from the Crimes Act where some of these offences are also to be found. The penalties for these offences are those recommended by the model criminal code committee, and where there were offences already in the Crimes Act they have been replicated for those offences here.

The bill is a practical development that accords with the model criminal code committee recommendations. It is consistent with the position in most Australian jurisdictions and I think it will make it more difficult to abuse the law by lying. This area of the law in the ACT has been enforced in only a very slapdash way in the past and this bill will add clarity and strength to improving the integrity of the system and punishing people who deliberately mislead and/or lie to the courts. It is consistent with most other jurisdictions and I am advised that the Commonwealth will be introducing identical legislation.

I had some practice in relation to these issues when I was a prosecutor and it was very rare for courts to take action. Invariably, what they would do—and they would only do it rarely—was refer matters to the Attorney-General if they thought a witness was blatantly lying. I think that quite often in the past courts probably could have taken greater action. This bill will assist that process and, hopefully, be a disincentive to people to deliberately mislead and lie to the courts. So I do see it as very much a step in the right direction in terms of sensible amendments to the criminal law and sensible codification of the criminal law, and the opposition will support it.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.37), in reply: The present law in the ACT that deals with the proper administration of justice is partly contained in parts 8 and 9 of the Crimes Act 1900 and partly in the common law. This bill will improve the accessibility and effectiveness of the law in this area by conveniently locating the offences in one discrete chapter of the criminal code and comprehensively setting out in clear language the elements, defences and other relevant qualifications that apply to each offence.

A summary of the new codified offences is contained in the presentation speech and the introduction to the explanatory statement. However, it is worth reiterating some of the more important improvements that the bill will make to the law in this area. They include:

- a definition of legal proceedings that will clarify and simplify the application of these offences and ensure that they apply consistently to relevant criminal conduct performed in relation to judicial, quasi-judicial and administrative proceedings in which evidence can be taken on oath or affirmation;
- clarification of the elements and qualifications that apply to perjury and aggravated perjury, including that the offences apply to interpreters; that the false sworn statement need not be material to the proceedings; that only “incompetent” witnesses who lack the capacity to understand the obligation to tell the truth are not subject to perjury and that the old common law requirement for corroboration in relation to perjury no longer applies;
- the inclusion of a range of specific offences that more clearly identify the kind of criminal behaviour that presently falls under the one general heading of “perverting the course of justice”, including offences of making or using false evidence, destroying or concealing evidence, bribing witnesses, interpreters, jurors and others involved in legal proceedings, preventing the production of evidence and the attendances of witnesses, interpreters and jurors, and deceiving, threatening or taking reprisals against witnesses, interpreters, jurors and others involved in legal proceedings;
- the inclusion of a separate part in chapter 7 that conveniently contains a number of summary offences related to this area of the law, including offences of pleading guilty in another name, obstructing or hindering an investigation, failing to attend legal proceedings to give evidence, failing to produce documents and other things, failing to take the oath, failing to answer questions, a summary offence of giving false or misleading evidence, and obstructing legal proceedings.

The bill will also remove some duplication in the statute book by repealing a large number of offences that will be replaced by relevant generic offences in chapter 7. I commend the bill.

DR FOSKEY (Molonglo) (11.40): Mr Speaker, I apologise for not being here at the right moment, but I seek leave to speak to the bill.

Leave granted.

DR FOSKEY: It is a minor contribution because I do support the Criminal Code (Administration of Justice Offences) Amendment Bill 2005, as it puts forward reasonable methods of dealing with administration of justice offences in the ACT. Although some of the provisions in the bill appear to be quite strong, they are reasonable when compared with the courts' need to process law.

The greatest change that this bill makes is to include in legislation testimony to be given in, or in connection with, all legal proceedings, rather than just judicial proceedings, as the need to receive truthful and honest evidence is a requirement of all legal proceedings.

It is interesting to note, in light of the scrutiny of bills committee report, that there is some contradiction between the human right to liberty and the legal rule that ignorance of the law is no excuse. However, I believe the committee and the government have both provided sufficient explanation as to why our community should follow the legal rule in the case of administration of justice, to ensure that the courts are able to process our laws in an efficient and reasonable manner. I also appreciate that the government has conducted thorough consultation with the courts in drafting this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Criminal Code Harmonisation Bill 2005

Debate resumed from 23 June 2005, on motion by **Mr Stanhope:**

That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.41): Mr Speaker, this bill is one in a series of bills that will see the eventual harmonisation of all ACT legislation with the Criminal Code 2002. Harmonisation is essentially the process of reviewing and revising ACT offence provisions to ensure they are in a form consistent with the principles of the criminal code. In this bill, some 32 acts and six regulations have been rewritten to make them consistent with the code. The acts cover matters such as the registration of births, deaths and marriages through to regulation of such activities as our city's rates.

In general, the harmonisation is to reformulate offences so that the physical elements and the fault elements can be clearly identified. The physical elements, of course, are a description of an act or omission while the fault element is a degree of fault required for the offence to apply, such as the degree of intention, knowledge or recklessness. Section 22 of the code will provide a fault element by default if one is not specified and if strict and absolute liability is not expressed or applied. I think that is a positive step.

There has been considerable concern by the scrutiny committee that too many new offences are being created as strict liability and, in some instances, absolute liability offences. There are, I understand, no absolute liability offences in this bill, although some strict liability offences have been replicated in the modernisation process. The situation has been clarified in this bill in that the term "strict liability" has been used in any offence where it is to be applied. If it is not to be applied, the fault element applies; that is, the normal standards of proof that the Crown, the prosecution, bears. I think that is a positive step. The bill does seem to replicate fairly faithfully existing offences and harmonise them with the criminal code. It is interesting, however, that because of the fact that some of the offences dealt with are strict liability offences, there are potential inconsistencies with the Human Rights Act which the government has to explain away.

The scrutiny committee has also commented that the government's explanatory statement is insufficient in places. While this bill has the benefit of harmonising a number of offences and making them consistent with the criminal code, the code is not totally implemented in all its parts and I think the government needs to act in proper haste to ensure that the code is implemented fully as quickly as possible. A large number of parts are yet to be brought in. I note that lawyers and the profession are finding the interim period when some offences are in harmony with the code and some are not somewhat confusing.

I understand that my colleague Dr Foskey will be moving a motion to send this bill to the legal affairs committee. Given the scrutiny committee's concerns about the number of strict liability offences in this bill, this would probably provide an ideal opportunity for general questions and concerns around strict liability to be examined by the committee. I certainly envisage that there would be a quick inquiry. Obviously, Dr Foskey's motion will not get up if the government does not support it, but I think there is merit in what she proposes and the opposition will be supporting the motion. If the bill is agreed to in principle and her motion is passed, the bill can then come back to the Assembly. As chair of the committee, I would envisage a pretty quick inquiry were the government to support the motion. Of course, this matter is in the hands of the government because they have the numbers.

DR FOSKEY (Molonglo) (11.45): There are a number of items within the Criminal Code Harmonisation Bill that I am uncomfortable with and I will be requesting that the bill be referred to the legal affairs committee for further review. The most prominent concern that I have with the bill before us is the application of strict liability offences and their penalties. Although I can understand the need to have strict liability offences in certain circumstances, I do not believe that the ACT government has developed a consistent approach to these matters. Whilst the bill is attempting to place into black letter law a number of existing common law offences that seem to already have community acceptance, that does not preclude us from examining our treatment in those offences with human rights and community opinion in mind.

I would like to draw the Assembly's attention to two important documents that provide guidance to governments on strict liability legislative offences and penalties. The first is the February 2005 ACT Assembly scrutiny of bills committee report. The second is the June 2002 Senate Standing Committee for the Scrutiny of Bills report into the application of absolute and strict liability offences in commonwealth legislation.

In summary, the Assembly report cited a number of legal principles that are raised from our human rights and/or legal system, including: a defendant is innocent until proven guilty; generally, an offence provision should contain a mental element which ensures that a person is not guilty if they had no intention to commit the offence and were not reckless or negligent in their actions; there are times when the legal or evidential burden of proof is reversed and the onus is placed on the defendants; the penalty imposed on an accused and the stigma which attaches to that penalty and/or to the conviction itself necessitate a level of fault which reflects the particular nature of the crime; and human rights may be subject only to reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society.

The Senate report recommended that the commonwealth apply a number of basic principles when dealing with strict liability offences. The ACT government has adhered to most of these recommended principles. However, there are two principles that it has not adhered to consistently. They are that strict liability offences should, if possible, be applied only where the penalty does not include imprisonment and there is a cap on monetary penalties—the general commonwealth criteria of 60 penalty points, which is equivalent to \$6,600 for an individual and \$33,000 for a body corporate, appears to be a reasonable maximum—and there appears to be general public support and acceptance for both the measure and the penalty. Although the ACT Assembly does not have to agree with everything that is recommended by a committee from other levels of government, I believe it is important to keep the Senate committee recommendations in mind when examining the bill before us.

There are nine strict liability offences in the bill before us where the government has applied penalties that are greater than 60 penalty units and/or include a term of imprisonment. Whilst the absence of a mental element appears to be justified for some of the more serious strict liability offences, I do have serious concerns about the appropriateness of strict liability for some of the other offences. A couple of days ago I received a letter from the Attorney-General, part of which stated:

There must be clear legitimate grounds for penalising a person without the usual requirement to prove fault, and in the case of regulatory schemes this is usually because the persons affected will have good reason to be aware of the obligations and the need to guard against the possibility of contravention.

Generally, the maximum penalty for a strict liability offence is limited to a monetary penalty, though in some cases a term of imprisonment, up to six months, may be appropriate. This is usually where it is important for the offence to have a high deterrent effect because of the possibility a contravention presents a serious or immediate threat to public health, safety, the environment or public revenue.

I can understand the arguments presented by the ACT government in this letter and debate, but what about those unusual cases, as referred to in Mr Stanhope's letter? How far should we go in penalising what could be innocent, albeit possibly misguided, behaviour?

I am also still concerned about whether there is community acceptance of these heavy penalties, as the government does not appear to have acquired general public support for the strict liability offences and their penalties. One example of this public acceptance is

the animal welfare amendments. Both the RSPCA and Animal Liberation notified my office that the amendments had not been talked about for years and that they had not been approached with the latest drafts for their opinions.

In addition, the Animal Welfare Advisory Committee, which would normally provide this sort of advice in a more efficient form and which includes members of the RSPCA and Animal Liberation ACT, apparently has not met since December last year, which is in quite stark contrast to the monthly meetings that the relevant department has held with it in the past. The apparent reason for this is that the chair stepped down in February and, despite its having been nine months now, the government is yet to appoint a new chair. A recent member of AWAC stated:

ACT's AWAC has been an extremely energetic and productive advisory committee since it was established under the (Animal Welfare) Act in 1992, producing numerous Codes of Practice and other advice to government. The fact that we haven't met since February—

I think the member meant December—

has meant, among other things, that we have no idea what has happened to our amendments to the Act. More generally, it means the Government has had no advice from the statutory committee from which it is supposed to seek such advice to inform it of the implications of any of its decision making, in any area, on animal welfare.

I would appreciate it if the Minister for the Environment would follow up for me why it is taking so long for an AWAC chair to be appointed and when it will next meet, as I believe that it is a worthy committee providing useful advice to the government. Please note that the RSPCA and Animal Liberation ACT are eagerly awaiting the Chief Minister's response.

Following on from these strict liability offences and public acceptance issues is the concern about human rights. Noting that the Attorney-General has issued a declaration of compatibility for this bill with our Human Rights Act, I still question how the nine strict liability offences with heavy penalties can be justified in human rights terms. This has been a matter of debate within the scrutiny of bills report on the bill. Although the government says that it is very difficult to justify every single strict liability offence in the bill, as there are so many, it is yet to justify each of those offences that carry penalties of imprisonment or fines of more than \$6,000.

Scrutiny of bills report No 19 states that the penalties of imprisonment for strict liability offences may be found by the courts to be incompatible with human rights and, as such, they should be justified in terms of section 28 of the Human Rights Act, which provides that "human rights may be subject only to reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society".

In closing, I note that the other main issue with this bill that does appear to have been appropriately dealt with by the government is that of the defences available to strict liability offences and, as such, I feel no need to go into this area. Due to these concerns about the ad hoc nature of strict liability offences being created in our legislation, and the varying and sometimes extreme penalties, I will be moving shortly for the bill to be

referred to the legal affairs committee to further examine the approach to strict liability offences and, more usefully, to produce some guidelines that the ACT government would be able to use when considering creating strict liability offences and their penalties. Mr Speaker, I would like to report that I am supported in this move by the ACT branches of the Lawyers Alliance and Civil Liberties Australia, as they have similar concerns about the government's approach to strict liability penalties.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.55), in reply: Mr Speaker, firstly, I thank members for their contributions. I particularly thank Dr Foskey for her very considered and detailed consideration of the legislation.

This harmonisation bill is another step forward in the implementation of the criminal code in the ACT. The harmonisation program will see each offence reviewed and reformulated to give offences effect within the operating environment of the criminal code. With this bill, 283 offences in 32 acts and six regulations have been reformulated. Further bills will be presented to the Assembly as the government progresses its review of the statute book.

The general approach has been to reformulate offences so that the physical elements and the fault elements that apply can be clearly identified. The physical element is basically the description of the prohibited act or omission, while the fault element is essentially the degree of fault that is required for the offence to apply, such as intention, knowledge or recklessness. Section 22 of the criminal code will provide a fault element by default if one is not specified and strict or absolute liability is not expressed to apply.

In cases where the criminal code does not apply, the court has to make a judgment about the elements of a defence where it is unclear. This is particularly so where a question arises as to whether an offence is a "strict" or, in rare cases, an "absolute" liability offence. Here the magistrate or judge will need to make an assessment based on the principles on statutory interpretation, drawing on the tests laid down by the case law, in particular the High Court in *He Kaw Teh v R*.

The criminal code eliminates this uncertainty by providing, in effect, that unless the offence states that strict or absolute liability applies, the offence is a fault element offence. This has had the effect of clarifying the application of strict liability but has also increased the visibility of such offences and may have created the unfortunate and misleading impression that there has been an increase in the creation of such offences, when in fact there has not. It is just that we have now identified where they exist.

In this bill, strict liability has been expressly applied to offences where the relevant facts indicated that strict liability was intended, such as the context in which the offence appears, the language employed and the level of penalty that applies. They have generally arisen in the regulatory context where it is in the public interest for the regime to be strictly observed, such as regulatory schemes that deal with public health and safety, the environment, and the protection of revenue. I note that absolute liability has not been applied at all to offences or physical elements in this bill. It is a question of balance whether the application of strict liability in particular instances is appropriate. The relevant matters for consideration will include the mischief the offence is intended to

protect against, the consequences of non-compliance, and the penalty and defences, including the defences in part 2.3 of the criminal code.

I welcome the continued debate by the Assembly on strict liability, but reiterate the government's view that the express application of strict liability is appropriate and necessary to give continued effect to the objectives of the individual acts and regulations amended by the bill. That, I think, certainly has been the position of successive governments in this Assembly and, indeed, in every parliament in Australia.

I note the committee has revised its comments on the Criminal Code Harmonisation Bill in report No 17. The government welcomes the comments and notes that the committee has suggested a revised, simplified approach for explaining strict and absolute liability, burden of proof provisions and issues relating to "reasonable excuse" in explanatory statements for harmonisation bills. The government also welcomes the committee's confirmation that the committee does not seek a "policy" justification for strict and absolute liability in the explanatory statement, but an explanation of the human rights issues for those provisions. Indeed, in future the government will seek, where possible, to provide the assistance in the terms set out by the committee for future harmonisation bills.

Dr Foskey has just alluded to her intention to move that the bill be referred to a committee. The government does not support such a reference. The rationale for these offences, the appropriateness of criminalising certain conduct, and the application of strict liability are all matters for the individual acts and regulations—acts and regulations previously considered by the Assembly. To again debate the purpose of these acts and regulations within the context of a bill that is essentially giving the offences their intended effect so they can operate within the environment of the criminal code is not appropriate. It is more appropriate to access these offences within their own schemes, not as part of an amending harmonisation bill. The government, of course, encourages members to raise their concerns about a particular provision so that we may address those concerns.

Mr Speaker, the government has a few brief amendments to move to the bill, which I will address more fully in due course. Just for the moment, I will say that these are amendments that were identified subsequent to the introduction of the bill into the Assembly and they, essentially, go to minor matters. I will deal with them in the detail stage after we consider Dr Foskey's proposal to refer the matter.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to committee

DR FOSKEY (Molonglo) (12.00): I move:

That the Criminal Code Harmonisation Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report.

I spoke about this motion in my speech during the in-principle stage. I do not think I need to add anything more to what I said except to emphasise that the committee system of this place can address certain matters. Issues about strict liability have come up over and over again in our scrutiny of bills meetings and it would seem appropriate that we look at that matter in some detail. We need to look at how other jurisdictions operate and come up with some guidance for the Assembly so that we can stop having this debate over and over again. I understand that the motion is unlikely to be passed but, nonetheless, I feel it is important that I move it.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.02): Mr Speaker, as I indicated previously, the government does not support the referral of the Criminal Code Harmonisation Bill to a committee. I think we understand that this bill deals with 32 separate acts and six regulations, and that it has an effect on 283 offences in those 38 pieces of legislation.

Dr Foskey has expressed concern and has indicated that the rationale for wishing to refer this harmonisation bill to a committee is so that the committee can look in greater detail at an issue which continues to vex her and which, I have to say, is a constant subject of discussion, particularly in scrutiny of bills reports. I respect the debate in relation to strict liability. Strict liability offences, of course, require in their imposition a judgment decision in relation to appropriateness or applicability in a particular circumstance. I do not think any of us in this place would deny that there is a place for strict liability offences. Bearing in mind the way in which the rule of law operates and is constructed, I think it would be extremely difficult for us to simply stand here and agree to remove strict liability as a prospect and revert to default in relation to every single offence.

There is a whole range of very obvious areas in which we use strict liability offences and in which one cannot imagine one would not continue to use them. This is particularly the case in relation to public health and safety and in the protection of the environment—where there is a determination that an offence, if committed, be regarded as strict; namely, that the offence was done and that it had a particular impact. There is a real place for that.

I think I share perhaps the frustration which Dr Foskey just exhibited, that we appear to be having a debate around strict liability almost once a month through one bill or another. At one level, this is because we simply do not have a meeting of minds as an Assembly—perhaps this is inevitable—around when a strict liability offence is appropriate and when it should apply. However, as I have indicated, I believe that this question needs to be directed at a particular provision or bill at the time it is being debated.

We have not included through this process a whole raft of new draconian, or strict liability, offences. We have basically gone through a process that identifies those that exist. We are not introducing any. This is a harmonisation process and I believe it would be inappropriate to refer this bill to a committee for the purposes of revisiting essentially provisions in bills that were debated and passed at any time perhaps over the last dozen or 15 years. It would be inappropriate to revisit provisions in specific acts to determine whether or not we believe a particular strict liability offence is appropriate.

I would have thought that if there were a mood or a desire within the Assembly to consider the issue of strict liability offences in the broad way in which Dr Foskey proposes or wishes, then such a matter should be open to reference to the Assembly Standing Committee on Legal Affairs. I am not suggesting I would be opposed or averse to that.

I must say that it is an issue—not that this is necessarily relevant—which continues to cause some frustration, certainly at officer level, that we are now essentially just turning out by rote the government's response to criticisms within scrutiny of bills reports about the use of strict liability offences. There is something of an impasse and this has been the case traditionally over years. Maybe we have reached a point where there is some merit to Dr Foskey's desire just to air this issue and allow us all to understand what our respective positions are, and perhaps not have continually the same debate around the application of strict liability. However, I believe it is inappropriate in this instance to refer the matter to a committee.

I am more than happy to work with Dr Foskey and with the Assembly—I do not know whether we need a formal inquiry—around a process to better air this issue of strict liability and perhaps bring it to a head, as Dr Foskey proposes. Dr Foskey's proposal really is, "Look, let's bring this issue of strict liability to a head in this place. Let's thrash it out and let's see if we can't agree." I am happy to do that, but I just do not think it should involve the reference of a harmonisation bill that deals with 38 different pieces of legislation as the mechanism. I would much prefer another reference to the Assembly Standing Committee on Legal Affairs.

MR STEFANIAK (Ginninderra) (12.07): Mr Speaker, as I have indicated, the opposition will support Dr Foskey's request for this bill to go to a committee simply so that the issue can be aired. I have some sympathy with what the attorney had to say in relation to the issue. I think I heard him say that in future the government would be taking some additional steps to alleviate a couple of concerns raised by the committee, and that is good. However, the government is opposed to this bill going to the committee and therefore the motion will not be agreed to.

Lots of people in the Assembly are vexed by this issue and it is certainly one that crops up regularly in the scrutiny committee. I think there certainly is merit in having some form of inquiry, some further discussions, in relation to the issues around strict liability. So I was heartened to hear the attorney make those comments.

DR FOSKEY (Molonglo) (12.09), in reply: It is always very encouraging to see that debate can be progressed in this house. Whilst I am, of course, sorry that the government will not agree to my motion, I am pleased that some of the concerns that are behind it have been taken on board. Although sending this bill to the legal affairs committee would have resulted in a somewhat narrower inquiry than would perhaps be the case with the inquiry we now anticipate we are going to have, I want to make the point that the bill before us is part of the problem. It indicates that there is a larger problem.

I just want to reiterate that strict liability offences are being implemented more often and seemingly on an ad hoc basis in this Assembly. This seems to be the case because we do not have guidelines on what is fair, just and compatible with human rights. It is time that

we stopped to think about what is fair and produce guidelines for the government about the manner in which strict liability offences should be implemented in the ACT. I have argued that this bill should be referred to the legal affairs committee in order to produce those guidelines. The legal affairs committee is a tripartite committee. The government has not taken this advice. It believes that it has done enough work in relation to this bill. However, work on strict liability offences needs to be done on a broader scale.

I also want to point out that Mr Stanhope has not responded to my concerns about the Animal Welfare Advisory Committee and I do hope that, as a result of this debate, he will get in touch with members of AWAC, just so they know what is happening, and advise them about the future of that committee. Hopefully, with time, the legal affairs committee will find a way to provide recommendations to the government on the manner in which strict liability offences should be implemented in the ACT, but I am disappointed that it cannot occur sooner.

Question resolved in the negative.

Detail stage

Bill, by leave, taken as a whole.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.11): I seek leave to move together amendments Nos 1 to 4 circulated in my name.

Leave granted.

MR STANHOPE: I move amendments Nos 1 to 4 circulated in my name [*see schedule 1 at page 4000*]. I table a supplementary explanatory statement to the amendments. Amendment No 1 amends an incorrect reference to this act in a note and the amendment in the bill is to a regulation. Amendment No 2 will remove the application of strict liability for this particular offence. Section 14 (6) is an offence that requires a person to notify the construction occupations registrar of any changes in a person's particulars listed in section 21 (1) (b) of the Electricity Safety Act—that is, name and address, place of business, et cetera—although in most cases the defendant will be aware of a change in these particulars.

Paragraphs (iv) and (v) of section 21 (1) (b) also list any cancellation of a licence and any other particulars prescribed under the principal act as requiring notification. These are matters that a person may not be aware of or may not become aware of within seven days. Accordingly, strict liability has been removed. Amendment No 3 is a consequential amendment to renumber the subsections upon republication. With the removal of strict liability by the previous amendment, the renumbering is no longer required. Amendment No 4 is an amendment to insert a penalty clause that was inadvertently omitted during the drafting of the bill.

MR STEFANIAK (Ginninderra) (12.13): The opposition will be supporting these amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.14 to 2.30 pm.

Visitors

MR SPEAKER: Before I call Mr Smyth, I acknowledge the presence in the gallery of some guests from the Ted Noffs Foundation. Welcome.

Questions without notice

Mental health

MR SMYTH: Mr Speaker, I would like to share in that acknowledgment. I had the pleasure of meeting these people just previously in your hospitality room.

My question is to the Minister for Health. Minister, yesterday you quoted the good bits out of the Mental Health Council of Australia's report *Not for service: experiences of injustice and despair in mental health care in Australia*. However, you neglected to tell the Assembly that the report lists a disturbing array of problems in the ACT, including: difficulty in accessing services, even in a crisis; inadequate approach to management of forensic mental health issues; lack of basic hospital and rehabilitation services; little attention to issues of early intervention; major staff shortages impacting on quality of services delivered; the large role played by police and emergency services in acute mental health care; lack of community-based health and housing services; and inadequate responses to serious incidents. In short, minister, a horrifyingly accurate description of the disgraceful system you have created. Minister, when will you stop hiding behind words and actually do something to help the most vulnerable people in our community?

MR CORBELL: Mr Speaker, this government has increased mental health funding by 75 per cent since 2000-01. Of course, Mr Smyth again misrepresents my position in this place. Yesterday I acknowledged and put on the record very clearly—as I did on radio this morning and as I have done in other media outlets in the last 24 hours—that the government acknowledges there are serious problems in our mental health system. We do not resile from or walk away from those problems. They are not unique to the ACT; they are not a result of any particular administration in the ACT. They are an historical legacy that we as a community are now having to face up to. That is the message from the *Not for service* report that was released yesterday.

Mr Speaker, it is worth highlighting the fact that the Mental Health Council of Australia, the Human Rights and Equal Opportunity Commission of Australia and the Brain and Mind Research Institute, which were the co-authors of this report, have said very clearly that they welcome the willingness of the government to acknowledge the inadequacy. They welcome the fact that the government is working to rapidly increase funding in this area. They welcome the fact that we have human rights legislation to guide the appropriate care and the appropriate protection of the rights of those with mental illness

in our community. Those are the facts and that is exactly what I said to the Assembly yesterday. It is what I said on radio this morning and it is what I will continue to say.

I think the real challenge for Mr Smyth, seeing as though he has made a commitment to increased funding by one per cent a year, is to say where he is going to find that money from. His glib answer on ACT radio this morning was, "Oh, well, it is all being spent on bureaucracy." I would like Mr Smyth to tell me exactly where he thinks that money is being spent and where he would redirect it from—which services would he remove, stop, cease, cut or get rid of so that he can meet his commitment. I can assure Mr Smyth that that funding is going into paying for our nurses and doctors so that we can attract and retain the staff that we need in an incredibly competitive and difficult labour market. It is going into increased services relating to crisis assessment, suicide prevention and community outreach.

Per capita expenditure now on mental health is \$131 per head of population compared to \$75 per head of population in 2000-01. So the government does not resile from the problems of the mental health system. The government does not pretend these problems do not exist. We acknowledge that these are serious issues but we also acknowledge and proudly say we have a commitment to addressing them. We have made the investment, we will continue to consider future options and future investment as part of the budget process, and we will continue to work with carers and consumers in tackling these difficult but important issues for our community.

MR SMYTH: Mr Speaker, I ask a supplementary question. Minister, you talk about strategies, cite expensive pieces of paper and tell us that you are considering things but when is the government going to increase services so that mentally ill people in the ACT get the treatment and care they need and are so patently not getting now?

MR CORBELL: Again, Mr Speaker, where does he think the expenditure that we are already committed to is going? Mr Smyth is in a very difficult position as Leader of the Opposition because the government has a very clear record of increasing mental health funding by 75 per cent. So what does Mr Smyth do in response to that? He dismisses that. He says, "Oh, so, there are problems." Well he cannot do that. The fact that we are spending more money on suicide prevention is something that he seeks to ignore. He likes to ignore the fact that we have put outreach programs into the Gungahlin area for the support of people with mental illness. He decides to ignore the fact that we have provided support for our crisis assessment and treatment teams because that does not suit his argument. He needs to understand the complexity of this discussion but he does not do so because he wants to make the cheap, smart political point that there is a problem and he is the only saviour.

Mr Speaker, I am out there talking with people in the mental health community. I am out there talking with consumers and carers, talking with their advocates and talking with clinicians and I understand, as do they, that there are no quick or smart fixes to this problem. What is required is hard work, a preparedness to continue to invest in a sensible, considered way to make sure that we make the best use of the resources we make available and to acknowledge the problems that exist as a step in making sure they are addressed. That is the government's commitment.

Mental health is important in our community. We are talking about some of those people in our community who are the most vulnerable and most disadvantaged. The government's record is clear. We will continue with that record, we will continue to honour our commitment to addressing mental health problems in our community, and we will do it in collaboration with carers and consumers.

Corrective services

MR STEFANIAK: My question is directed to the minister for corrective services. Yesterday the New South Wales government confirmed its plans to build a 500-bed prison on the south coast of New South Wales near Kiama, which is due for completion in 2010. In developing your costings for the Alexander Maconachie Centre, what proportion of prisoners do you estimate will come from New South Wales? How much funding do you expect to receive from the New South Wales government to keep these prisoners?

MR STANHOPE: I do not recall the funding equations, the cost benefit, the details of it or any issues around the reliance that was made on prisoners from New South Wales potentially being contained within the Alexander Maconachie Centre. I will take the question on notice and provide the member with what information I can glean on those specific issues.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Has the government entered into an agreement with the New South Wales government about how many prisoners from that state will be kept in the Alexander Maconachie Centre? If not, is it in the process of negotiating such an agreement?

MR STANHOPE: No, we have not entered into such an agreement. I am not aware of any negotiations. I will take advice from the department on that as well. I will get back to Mr Stefaniak.

Schools—infrastructure

MS PORTER: My question is to the Minister for Education and Training. I note the significant investment in government school infrastructure that the ACT government committed to in the last budget. Damage is obviously always a constant threat to this infrastructure. Could you inform the Assembly of the measures the government is taking to deal with this danger?

MS GALLAGHER: I thank Ms Porter for her question. She is quite right: the government each year makes a significant investment in the maintenance of our school infrastructure, that is our 96 government schools and 88 preschools. Last year's budget figures show that capital upgrades cost around \$11 million, with a total capital expenditure of just over \$18 million, for what is a very significant asset base for the ACT government. The repairs and maintenance budget alone for this infrastructure is around \$5 million a year.

In response to vandalism of government schools, security measures put in place to combat property damage and theft are costing around \$2 million every year; that is to

address the cost of repairing damage done to the schools and to provide security to prevent further attacks.

It is important that the community understand the extent of some of the attacks that we are seeing on our government school buildings. From graffiti sprawled across walls to destruction of buildings through ram-raid attacks, vandals caused, on average, just over \$9,000 of damage to every one of the 96 schools in the ACT; that is averaged out. Most of the damage to schools is usually broken windows, but certainly plenty of fixtures and fittings are destroyed. For example, in one case a single incident of water damage to a local primary school cost more than \$90,000 to repair; an arson attack on another school cost around \$46,000.

We are constantly reviewing our security measures to ensure that we are protecting the schools as best we can. To this end we have recently decided to make changes to security measures at our schools and these include improving the external lighting and providing fences. I know members would have seen fences erected around a number of schools. Where fences have been erected, we are seeing a noticeable decline in the level of vandalism at those schools. We have put in place alarms and upgraded electronic security systems and, if a school proves to be repeatedly targeted, we put in place random security patrols or guards.

The installation of security fences at school sites is proving to be a major deterrent to vandals and thieves. As I said, recent advice is that there has been a reduction in the general level of attacks and vandalism on schools as a result of the installation of the fences. Schools have also advised the department of education that fencing resulted in significant cost savings in the repair of vandalism damage and the clean-up of rubbish. For example, since a fence has been installed at one primary school, there have been no incidences of break-ins. Another school suffered approximately \$75,000 worth of damage from vandalism and theft in 2003 and, since the boundary fence to the premises was installed in 2004, there have been only two incidences of suspected criminal behaviour, but both attempts to access the school were unsuccessful. While the department is carrying out major works, many of the schools are using their own funds to make minor changes to security measures as well.

These upgrades will continue. In the coming months, \$150,000 will be spent to erect a fence at a local college. A further \$270,000 will be provided to install security fencing at a high school and primary school in Tuggeranong. We are also undertaking a security audit of all schools. You can see from that advice that vandalism on our school buildings is a serious issue. A lot of money is being taken away from schools and from the department's repairs and maintenance budget to keep abreast of these attacks—not just to fix the normal wear and tear on school buildings but also to deal with attacks on schools, which should not have occurred in the first place.

We are, of course, working cooperatively with the police to address those incidences when they occur and, of course, with the community, who are always very vigilant in contacting the police, the government or the school itself if they see any attacks on a school. That applies particularly to those people who live very close to a school. We have also been looking at how to provide a security control program in down time—in periods of school holidays and during out-of-school hours.

Housing affordability

DR FOSKEY: My question is to the Minister for Planning and concerns the proposed residential estate in east Woden. The ACT Land Development Agency is now seeking partners to help it deliver an up-market resort-style all age development in east Woden, with built-in access to housekeeping, laundry, gardening, food, health, and security services, according to articles in the paper. Minister, could you please assure the Assembly that there will be room in this special new community for people with a disability, those living with a mental illness, and those for whom up-market accommodation is simply unaffordable?

MR CORBELL: This estate is at the conceptual stage at the moment, expressions of interest being sought from joint venture partners in the private sector for Woden east by the Land Development Agent. The intention is to provide for a range of ageing in place options and, obviously, accessibility of design. Therefore, providing for access by people with a disability, for example, will be a very important consideration. Equally, the Land Development Agency is very aware of and compliant with the government's expectations in relation to the provision of affordable housing in any new development.

I cite for Dr Foskey's information the work that we undertook in the only other joint venture which is currently occurring in the ACT, the joint venture for the new suburb of Forde, where a significant component of affordable housing is required as part of that joint venture approach. It is too early for me to anticipate the outcome of this expressions of interest process, because that will be followed by a formal tender process. However, I do expect that affordable housing provisions will be taken account of and assessed as part of the tender process for that site.

DR FOSKEY: I have a supplementary question on something that we come up against a lot with this kind of question. Minister, could you please advise the Assembly which minister has responsibility for ensuring that development across Canberra does include accommodation for people living in poverty and those with particular needs, seeing that these are cross-portfolio issues?

MR CORBELL: The government, as Dr Foskey well knows, does not have a particular mandated percentage of development that should be set aside for affordable housing. That said, we do expect of developments in which the government is directly involved, either through its own public estate development or through joint ventures, that a proportion of affordable housing will be provided. In that respect, I am the responsible minister for those issues.

Multicultural affairs

MR PRATT: My question is to the Chief Minister. Chief Minister, why have you now formed a high level advisory group made up of local Muslims when your government has seen fit to disband the Ministerial Advisory Council on Multicultural Affairs? Could MACMA not have established a Muslim advisory subcommittee to provide high-level advice through and with MACMA?

MR STANHOPE: Anything is possible. I think it is fair to say that the question that has been asked to some extent reflects a major difficulty that we as a community and as a nation have in relation to our determination to combat terrorism and the rise of criminal terrorist behaviour within Australia, indeed throughout the world. It assumes that a part of the equation in meeting and combating terrorism is not to address the root causes or to seek to understand the cause of the anger and the feelings of alienation, exclusion and frustration that have led to some of the appalling criminal acts of terrorism that we have witnessed around the world.

It was in response to that that I decided to seek to establish a specific dedicated Muslim Advisory Council to deal with the government in the context of the current debate around terrorism and our response to terrorism as a community and a nation. It is another part, I believe, of the essential equation for dealing with terrorism. I believe it is a position that we as a nation and leaders from around Australia must increasingly take.

A legislative response such as the anti-terrorism bill is all well and good. It is appropriate and necessary, and it was for those reasons that I agreed to support it. But I agreed to support it in the context of a civil rights and human rights framework. One of the reasons that I have been as committed as I am to ensuring that the anti-terrorism bill is constructed within a civil liberties and human rights framework is because of my determination to ensure that it is not counterproductive and that it does not generate or create a backlash, that it does not engender unnecessary and avoidable feelings of anger and frustration and further alienate members of the Australian Muslim community who feel that they are the focus of community responses to terrorism.

We as a community need to address and attack the causes of terrorism and the possibility of terrorism. But we need always to focus on what it is that is generating these appalling acts of violence. I think that it is necessary to go back one step to seek to understand the reality of terrorism. I have yet to hear a cogent explanation, if we use the most recent and horrific example, of why four young British men without criminal records who were not known to the British security services travelled from Leeds to London, strapped on bombs and blew themselves up and, in the process of blowing themselves up, killed 52 of their innocent countrymen.

I do not understand why they did it. I challenge anybody to tell me why they did it. We need to understand what led to that degree of anger and those feelings of alienation that resulted in that behaviour. In order to do that, we need to address the causes of that behaviour. One way of doing that is to engage, to the greatest extent possible, with our Muslim communities.

Mr Pratt: Yes, yes and yes, but what about MACMA?

MR SPEAKER: Is that your question?

MR PRATT: No, Mr Speaker. My supplementary question is: Chief Minister, while we recognise the special issues around the Muslim community, who will now represent the myriad of other ethnic and multicultural groups at a ministerial advisory level? Will you set up a ministerial advisory group for other groups in the multicultural community in the absence of the disbanded MACMA? We get back to MACMA.

MR STANHOPE: It is interesting, and I find it a matter of enormous concern that the Liberal Party is not interested in grappling with the issue of terrorism, that they are intent on continuing the alienation. We have the remarkable spectre in the ACT of the opposition spokesperson for multicultural affairs being banned from the mosque. In a situation in which the number one threat facing the nation is the prospect of a terrorist attack and in an environment where we need to embrace all of our communities, we have an opposition spokesperson for multicultural affairs representing the Liberal Party in this Assembly who has been banned by the Muslim community of Canberra from their mosque. They do not want him to darken their door—

Mr Smyth: I raise a point of order.

Mr Pratt: That is a load of bull, and you know it!

Mr Smyth: Under standing order 118 (b) the Chief Minister cannot debate the point. The question was about his abolition of MACMA and whether he will replace it so that other ethnicities can be represented.

MR SPEAKER: Come to the subject matter of the question, Chief Minister.

Ms MacDonald: I raise a point of order. I believe that Mr Pratt just said something that was rather unparliamentary. I ask that he withdraw it.

Mr Pratt: Mr Speaker, I ask that you determine whether the word “bull”—and that is the word that I said, which it was, by the way, a load of bull.

MR SPEAKER: Mr Pratt, I warn you not to raise points of order to debate issues and attack other members in this place. I would not say that the word is unparliamentary. Chief Minister, come to the subject matter of the question.

MR STANHOPE: I regard it as an incredibly low point in community connection that a member of this place has been advised that he is not welcome at the Canberra Islamic Mosque at Yarralumla. That is a matter of some genuine sadness and regret to me.

MACMA did serve a significant purpose. However, the government, under Minister Hargreaves, has pursued a vigorous program—and it may be that Mr Hargreaves is intent on explaining that level of connection with our diverse ethnic and multicultural community today. Mr Hargreaves will explain to you, Mr Pratt, and to the Assembly the level and degree of closeness and cooperation between this government and the different and diverse communities of the ACT.

I am sure it is a matter of real concern to the opposition that the relationship between the government and the different and various communities around Canberra is perhaps stronger than it has ever been. With the support of this government the Multicultural Festival goes from strength to strength. We are on the cusp of opening a multicultural centre, something that had been sought for years, indeed for the six long years of the previous Liberal government, but never delivered, as so little was delivered. We will in a very short time be opening a significant and major new facility for the multicultural communities of Canberra. They waited for a multicultural centre through

the six long years of the Liberal government. It was not delivered but this government is now delivering it. It will hold the government in good stead with the multicultural community.

The government has decided not to renew MACMA. We have decided on a far more focused and specific consultation regime. Mr Hargreaves will be happy and pleased to elaborate chapter and verse on the success of the new consultative arrangements that he has instituted as minister. They involve all of the communities. I think to date, Mr Hargreaves, to his great credit, has consulted separately with 40 or 50 communities. He is working his way through all 90 of the separate, different and diverse ethnic communities that are represented by representative organisations in the ACT.

It is a level of contact and consultation that has never before been seen. The multicultural communities are enormously happy with the new arrangements, with the minister and, indeed, with this government. I am proud of the work that we are doing with our diverse communities, particularly with the Muslim communities of Canberra.

Multicultural affairs

MS MacDONALD: Mr Speaker, my question is to the minister for multicultural affairs, Mr Hargreaves. Minister, in light of the government's decision not to renew the term of the ministerial advisory council on multicultural affairs, would you please advise the Assembly how the government will be working with the local multicultural community to advance multicultural affairs in Canberra?

MR HARGREAVES: Thank you very much, Mr Speaker.

Mr Pratt: What a farce!

MR HARGREAVES: And I thank Ms MacDonald for the question.

Mr Stanhope: And Mr Pratt.

MR HARGREAVES: And Mr Pratt. I notice that Mr Pratt paceth up and down.

Mr Stanhope: Fancy getting banned from the mosque!

MR HARGREAVES: Imagine getting banned from the mosque! When I went into the ministry, I spoke with the Chief Minister I sought his approval to engage with the multicultural community considerably more closely than we had been able to do in the past, given the horrendous workload the Chief Minister had encountered over a period of time and noting that I had not seen all that much output from the ministerial advisory council on multicultural affairs, which was supposed to advise the Chief Minister. So there was a coincidence of two things—the government's commitment to consulting with people and making them feel included and not excluded as, in fact, those opposite have had them believe in the past. We decided that the best way to achieve that would be for me to present myself to as many of the communities as I could within the time of my tenure, at least, in office.

The first and more formal approach has been to invite members of various multicultural groups to attend forums. This enabled me to meet the groups and hear from them first hand. Since June this year I have met face to face with more than 200 people from more than 40 multicultural organisations including South Pacific islanders, Africans, Asians, Europeans, Latin Americans and Spanish-speaking communities. I have been particularly focused on meeting with small and emerging communities to hear first hand their views on a number of issues within the community. I have met with representatives from the emerging Mon, Sudanese, Ecuadorian, Bangladesh, Columbian, Ghanaian, Samoan and Solomon Islander communities. The second, less formal, consultation approach has been to engage with members of multicultural groups at their events. I have noted the absence of Mr Pratt at almost every one I have been to. I see some of his colleagues from time to time but I cannot recall seeing Mr Pratt at a multicultural event.

Mr Corbell: Maybe he has been banned again!

MR HARGREAVES: He probably has been. Since becoming responsible for multicultural affairs in November last year, I have had the pleasure of attending more than 50 multicultural events, ranging from Tibetan dance group performances to the Welsh society's annual dinner, and taking in wonderful events such as Lao new year, the Maltese festival and the Pacific Islander Showcase.

Mr Pratt: And so you should be.

MR HARGREAVES: You should do more of it yourself, my dear boy.

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: I need to advise the chamber that I will be bringing together more of these groups over the next 12 months. Indeed, in November, I think it is, I will be meeting with people from the eastern European group of countries. I have also decided, with the support of my colleagues in caucus and cabinet, that we need to get as close as we can to these communities. To that end, we will be having a multicultural summit at the National Convention Centre in December and, of course, we will be formally opening the multicultural centre.

This government actually believes in going right down and talking to people and presenting ourselves to them. In doing that, I have been able to see, hear and share with people from many groups within Canberra. I must confess that I have not seen Mr Pratt at one of the numerous events I have been to and would urge Mr Smyth to consider the allocation of his portfolios.

Community Advocate—selection process

MRS DUNNE: My question is to the Attorney-General. What recruitment process was followed in the appointment of the new Community Advocate? How many people were short-listed for the position?

MR STANHOPE: As I understand it—I am not quite sure of the full description of what the process would be—a rigorous merit-based selection process was pursued.

Ms Gallagher: Nationally.

MR STANHOPE: Yes, it was advertised nationally. It was merit based and rigorously conducted. There was an interview panel, which comprised Ms Sandra Lambert, Mr Tim Keady and one other person whose name I cannot quite remember at the moment. As a result of that merit selection process, a short list was developed, with a recommendation for an appointment. The person recommended by the committee as the preferred candidate was subsequently appointed.

Community Advocate—selection process

MRS BURKE: My question is directed to the Minister for Children, Youth and Family Support. I refer to the recent appointment of Ms Anita Phillips, a former ALP member of the Queensland parliament, as the Community Advocate.

The Emily's List website notes that Ms Phillips acted as your mentor in the ACT elections. In turn, you were her mentor when she stood for the federal seat of Herbert. Minister, did you or any of your staff participate at any stage in the selection process for the Community Advocate position, including acting as a referee?

MS GALLAGHER: What a nasty question from the opposition! A senior appointment is being made to an independent statutory office to advise and monitor the care and protection system of children, and to monitor the protections provided to adults in need of support in our community, and here the opposition slanders that appointment. It is slandering the reputation of the person being appointed. It is insinuating that favours are being done for an appointment to be made.

It seems that Mrs Dunne and Mrs Burke had a bit of a chat over the lunchbreak. It looks like there has been a reconciliation. Mrs Dunne thought she would ask the first bit and get some information from the Attorney-General, only to be cleverly followed up by Mrs Burke, who has been left with the rest of the job.

If this is the most pressing issue that the opposition can dream up to ask of my portfolio, it is a sad state over there. Maybe it is because at the moment two party rooms are in operation. Every morning two shadow cabinets are meeting to work out the questions.

Mrs Burke: Mr Speaker, I rise on a point of order. Standing order 118 (a) relates to relevance. Could the minister just answer the question and we can get it over with.

MR SPEAKER: That is not a point of order.

Mrs Burke: It is relevance: what do party room meetings have to do with answering the question—standing order 118 (b)?

MR SPEAKER: The minister should deal with the subject matter. But, Mrs Burke, that is hardly a point of order.

MS GALLAGHER: The content of the question was an insinuation that there had been some sort of irregular interference in the appointment of a very senior position to the ACT public service and to a statutory office within that.

I was certainly involved in the federal campaign of Ms Phillips. Previously she had supported me in my campaign here. That is what the organisation, Emily's List, does. That is what women in the Labor Party do. We actually work together and support each other for public office, unlike what we are seeing over there at the moment.

The two women members would do well to have a little look at what Emily's List is all about and engage in some of that cooperation. There is certainly no secret about the mentoring arrangements that occur under Emily's List. For the opposition to insinuate and imply that there is some incorrect or irregular relationship is simply wrong. Dig as far as you like.

MRS BURKE: Mr Speaker, I have a supplementary question. Did you declare this friendship as a potential conflict of interest when the appointment went through cabinet?

MS GALLAGHER: From memory, I was on leave when the appointment went through cabinet.

Planning and Land Authority

MR SESELJA: My question is to the planning minister. I refer to the ACT Planning and Land Authority's annual report for 2004-05 and to the financial statements on page 9 that show that the expenditure on travel grew in the 2004-05 financial year from the 2003-04 financial year by approximately 58.46 per cent. Minister, why has the authority's travel budget been allowed to grow by 58 per cent at a time when the government is seeking to cut costs and at a time when the authority has been forced to shed between nine and 11 jobs?

MR CORBELL: This annual report deals with the previous financial year, so it is a somewhat different circumstance; it is not in that context. Mr Seselja has it around the wrong way. Mr Seselja is insinuating that expenditure has gone up at the same time as the government has requested savings measures. In fact, that expenditure occurred at a time prior to the government making decisions about savings measures. But we will just leave that difficult—

Mr Seselja: Could that have had anything to do with the cutback?

MR SPEAKER: Mr Seselja, you have asked a question. Allow the minister to answer the question without interjection.

MR CORBELL: Maybe Mr Seselja should have thought of that before he asked the question. I am very happy to take on notice the details of the question and provide an answer to Mr Seselja.

National Gallery of Australia

MR MULCAHY: My question is to the Chief Minister in his capacity as minister for the arts. After a very long gestation period, the new director of the National Gallery of Australia, Mr Ron Radford, has revealed some of his plans to make the National Gallery of Australia what he describes as a truly national collection of Australian art. In view of the importance of the NGA to the economic and cultural life of the ACT, has the ACT arts minister been consulted on its plans for future acquisitions, exhibitions and promotion?

MR STANHOPE: There is a high level of contact between the national gallery and the ACT government, essentially through tourism. There is some contact between me and the director and some contact between artsACT and the gallery. In the context of the extent to which we as a government work with national institutions to pursue the economic interests of the territory as opposed to the artistic interests of the territory, the contact is essentially through the Department of Economic Development and, with national attractions, through tourism ACT. At an arts to arts level there is very limited contact, but some because of our mutual interests.

In the context of the level of contact in relation to the issue Mr Mulcahy raised about the importance of the gallery to our tourism industry and economic development and the capacity of the national institutions to be a major driver of economic activity within the ACT, those issues essentially are handled on behalf of the ACT government by the minister for economic development and tourism. I cannot give details, but I would be more than happy, on Mr Quinlan's behalf, to take the question on notice.

MR MULCAHY: I have a supplementary question. The minister may wish to take it on notice. Minister, I am wondering whether you can indicate if there has been any correspondence sent or received in relation to national iconic institutions and their role in terms of the ACT economy and tourism promotion.

MR STANHOPE: I know that there has been but, I regret, I am not across the detail and I cannot be as useful as I would wish to be. I know, from meetings and discussions I have had from time to time with Ross MacDiarmid, of the work in which Mr Mackay and officers of his organisation—I think of Ron Radford in particular—are involved with the national institutions. I will have to take the question on notice, but I am more than happy to provide any assistance I can.

No waste target

MR GENTLEMAN: My question is to the Minister for Urban Services. Would the minister please update the Assembly on the territory's progress towards meeting targets in the no waste by 2010 program?

MR HARGREAVES: I thank Mr Gentleman for the question.

Mrs Dunne: Tell me about putrescible waste, Johnno.

MR HARGREAVES: I am sorry; I would love to address Mrs Dunne's problem about putrescible waste. I am just responding to the question, and a legitimate question it was. So much of it is manufactured by the Liberal Party that it is a little bit beyond me at the moment.

Can I just indicate that I am pleased to report that Canberrans have yet again risen to the no waste challenge, with 2004-05 showing a continuing increase in the amount that is being diverted away from our landfills and is instead being reused, reprocessed or recycled. In 2004-05, over 554,000 tonnes of material was recovered—a rate of 73 per cent. The big achievements were in the recycling of demolition waste, where over 241,00 tonnes were recovered, and in garden/compost waste, where 197,000 tonnes was also recovered. More than 33,000 tonnes of material has been recycled through the residential kerbside recycling collection service.

This reflects, to a large degree, the great commitment Canberrans have to recycling. It also reflects the contribution of the ACT's wide range of no waste initiatives such as the business no waste program, the waste pricing strategy, the waste-wise schools program, public event recycling, the no waste awards and other education campaigns and programs that have been adopted to increase our resource recovery and recycling efforts further.

The people of Canberra deserve our congratulations on this great result. But there is also a reminder that there is more that we could be doing. The fact that we achieve such a great recycling result in the ACT needs to be considered together with the knowledge that Canberrans are substantially higher consumers and waste generators compared with the rest of Australia. It is of concern that waste generation has risen by 50,000 tonnes in 2004-05. We need to encourage Canberra residents, businesses and government to think before they purchase items as so much ends up in landfill.

While it is natural to assume that much of the easier waste minimisation work has already been done, there is still enormous potential to make significant inroads into our waste minimisation and recycling practices to deal with readily recyclable materials such as paper, cardboard and a range of packing material. For instance, much of the 204,000 tonnes of waste sent to landfill in 2004-05 was easily recyclable. The business community alone sent almost 78,000 tonnes of waste to landfill, while a further 30,000 tonnes was construction and demolition waste.

I cannot emphasise enough that too much material being put into garbage bins and hoppers is easily recyclable. Again, I call on all businesses and government departments to take up recycling. I urge businesses and government departments to review their current waste arrangements, downsize their waste bins and get this material into recycling services and potentially save money in the process. Sending recyclables to landfill is not promoting Canberra as the clean, green, sustainable city we all want it to be. There are more challenges that we face in recycling and reuse. We meet those challenges all the time. I pay tribute to those good officers in ACT No Waste for their innovations, their thinking and their commitment.

It needs to be a twofold approach. The first one is for us to continue the innovations and to check out whether or not these things are economically viable in this city. The second

one is to convince everybody—each and every one of us—that we can no longer afford to be a throwaway society. It is not good enough to dig a whole and cover it over; we need to recycle and reuse as much as we possibly can.

I urge Canberrans to take up the cause even further. I congratulate them on the magnificent achievement thus far.

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

Supplementary answers to questions without notice

Land valuations

MR QUINLAN: Yesterday, at question time, I took a question on notice from Mr Mulcahy about international standards in relation to valuations. I would like to share the continuing saga of the flow of information that I have had in relation to that. I did say yesterday that I would double-check and, of course, I have had people do so.

Australian valuers are subject to valuation standards and guidance notes issued by the International Valuation Standards Committee and the Australian Valuation and Property Standards Board of the Australian Property Institute. Standards issued by the AVPSB are harmonised with those of the IVSC. The latest bulletin from the AVO in respect of land valuations is that the standards applied are issued by the Australian Valuation and Property Standards Board of the Australian Property Institute, which are harmonised with international valuation standards of the International Valuation Standards Committee.

MR MULCAHY (Molonglo): Mr Speaker, I seek leave to make a short statement on that matter.

Leave granted.

MR MULCAHY: I simply want to elaborate further to assist the Treasurer in the information that he is now alluding to and I simply seek leave to table a document from the International Valuation Standards Committee that sets out all the arrangements that he was making his comments on.

Leave granted.

MR MULCAHY: I table the following paper:

International Valuation Standards Committee—Extract from web site.

Personal explanations

MR PRATT (Brindabella): Under standing order 46, I would like to make two explanations, if I may, Mr Speaker.

MR SPEAKER: Please proceed.

MR PRATT: Mr Speaker, my first explanation is in response to the Chief Minister's claim that I was banned from the Canberra mosque. That is not true. One man, representing a tiny proportion of the Muslim community and without authority, spoke of the so-called ban on ABC radio. That was rescinded through majority outcry from the Muslim community on the same day. That is the first point.

Mr Stanhope: One man. He just happens to be the president of the mosque.

MR PRATT: Representing a group of about 12 people, Jon. If I may also respond to the claim by Mr Hargreaves that I have not been to any multicultural events—

Mr Hargreaves: I did not say that.

MR PRATT: Few or none, or 200, or 50. May I just outline the following: in October, dinner with the Malaysian ambassador and Malaysian community, dinner with the Syrian ambassador and the Syrian community, and dinner with the Saudi and Omani communities—so much for a ban, by the way; in September, Migrant Resource Centre AGM; ACTMC international night, 23 September; Muslim reception, which we hosted and which, by the way, your government boycotted; visited the Canberra mosque on 26 August, apparently while there was a ban in play; Arab and Australian Women's Friendship Association meeting on 16 August; Korean day on 8 September; Indian dinner in early August; Canberra Islamic Centre in early August; on 28 September, a Muslim function; on 28 September, the ACT Multicultural Council; on 16 July, a welcome to the Sri Lankan high commissioner; Turkish anniversary of Cyprus day on 17 July; on 23 July, Arab and Australian Women's Friendship Association dinner dance; on 26 July, Egyptian national day; on 27 July, Canberra Islamic Centre—need I go on?—on 2 June, Italian embassy farewell; on 18 June, the Fiji-Australia night; on 20 June, ACTMC meeting; on 23 June, Croatian national day; on 25 June, Croatia club; and on 24 June, a citizenship ceremony. I think that I will leave it there, Mr Speaker.

High-risk sexual offenders—report Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (3.27): I present the following paper:

Sentence and Release Options for High-Risk Sexual Offenders—Report prepared for the ACT Government by Professor David Biles OAM, Consultant Criminologist and Professor Associate, Charles Sturt University, dated September 2005.

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

Leave granted.

MR STANHOPE: The issue of how we deal with sex offenders is always complex and is bound to stir community debate. All governments want to minimise the threat posed by serious and repeat sexual offenders, especially those who prey on children. But we want to be sure that any response is considered and evidence based.

In July this year, I asked eminent criminologist Associate Professor David Biles OAM to report on options for dealing with high-risk sexual offenders in the ACT. I asked Professor Biles to survey the various sentencing and release models for high-risk sexual offenders, assess those models for compatibility with the Human Rights Act, assess the effectiveness of treatment programs in reducing the risk of reoffending, and estimate the number of cases that might arise in the ACT under each model.

Professor Biles cast a wide net. He examined models from the United States, the United Kingdom, Canada, New Zealand and the Australian states and territories. He also reviewed the literature on recidivism and identified the likely rights and freedoms involved in human rights compatibility. His timely inquiry has provided us with an important analysis of what is being done here and around the world.

I released Professor Biles's report to the public on 17 October 2005. The report canvasses four options: taking no action, that is, continuing with the ACT's existing sex offender programs; legislating for indefinite sentences; introducing some form of post-sentence community supervision; and making provision for post-sentence continuing detention.

Professor Biles makes no recommendations on a preferred option. He points out that the number of offenders who would be covered by such schemes is extremely small, amounting to a couple of people in a jurisdiction and perhaps four in the ACT. He also notes that the incidence of reoffending is low for those who have undergone treatment, such as that already provided by ACT Corrective Services through its sex offenders treatment program.

In exploring models for dealing with high-risk sexual offenders, Professor Biles found that some jurisdictions have laws dealing specifically with sexual offenders. Others have general laws that may apply to sexual offenders. Still others have laws that are not applicable to sexual offenders, but contain similar measures to control other offending behaviour.

There is considerable diversity between jurisdictions, but some consistent themes emerge from the survey. Each model establishes a threshold and mechanism to identify high-risk offenders. Each model serves to assist in detection, prevention or rehabilitation of offenders, or a combination of these purposes. All models have differing emphasis on the roles of the judiciary and the executive in applying these schemes.

As well as explaining how these models work, Professor Biles's report canvasses potential issues under the Human Rights Act. All of the models under consideration will engage the right not to be deprived of liberty except on the grounds and in accordance with procedures established by law, that is, the Human Rights Act, section 18. They also engage other rights, including the right to privacy, freedom of movement, fair trial and, in particular, the presumption of innocence. Any model would, of course, need to be justified and proportional. In considering the human rights issues and international cases discussed in the report, the government will examine the implications of the case law from comparative human rights jurisdictions.

The report also provides an important explanation of the risk assessment and treatment of sex offenders. Professor Biles notes that the risk of reoffending and the severity of previous offending are not synonymous. Sex offenders, he says, are not a homogenous population and the risk of repeat offending varies widely between individuals.

The report also outlines 18 principles of programs that produce better outcomes in treatment programs for sex offenders. It argues that treatment programs in community settings are more effective than in institutional settings. However, it says, when treatment in the community cannot be done safely or when compliance cannot be managed in the community, treatment should be delivered in custody, rather than not at all. Professor Biles also discusses the role of offenders, and their family or friends, in the treatment.

There is also discussion of the number of people subject to these schemes. The report notes the small number of cases that have received considerable media coverage, and that the actual numbers identified to date by special sex offender legislation in Victoria and Queensland are small. In Victoria, one offender is on a post-supervision order and one further case is being considered, while in Queensland two continuing detention orders, one interim detention order and five continuing supervision orders have been made. In New Zealand, 32 extended supervision orders have been made since July last year.

This report provides important and timely information on the management of high-risk sex offenders. I will be receiving further advice from the department on its contents. It is important, particularly with issues as difficult and emotive as this one, to make sure that we are fully equipped with the facts. The management of sex offenders is, as I said, a complex issue and one we should consider carefully. We do not want to jump to ill-considered conclusions based on gut reactions.

The Biles report sets out the programs in place in Australia and around the world and applies an analytical eye to the issue of recidivism. Having a clear idea of what is in place elsewhere, how these schemes work and indeed how well they work will equip us as legislators, and the Canberra community generally, with the information we need to consider these issues thoroughly. I invite all members to consider the Biles report. I move:

That the Assembly takes note of the paper.

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

Reporting requirements of insurers

Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (3.33): I present the following paper:

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers.

I seek leave to move a motion authorising the publication of the paper.

Leave granted.

MR STANHOPE: I move:

That the Assembly authorises publication of the paper.

Question resolved in the affirmative.

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

Leave granted.

MR STANHOPE: This report has been prepared under part 15 (2) of the Civil Law (Wrongs) Act. This part requires insurers to provide, in relation to the ACT market, annual returns indicating the quantum of premium taken, claims made, claims paid and claims refused. The part also requires a report about the key findings arising from the annual returns presented to the ACT Assembly.

Members probably will recall that this was a part of the ACT government's response to the issues that Australia faced in relation to the availability and affordability of insurance. Indeed, I believe that it was unique in that the ACT, as I understand it, is the only place in Australia where insurance companies are required to provide a report of this nature, which we believe will become very important once we have brought up some body of information through successive annual returns. This is the second, but the information already in relation to premiums paid for various forms of insurance in the ACT as against claims costs against that type of insurance is beginning to reveal some quite interesting details.

It is still too early for us to rely conclusively on this information because of the drag forward effect of the Civil Law (Wrongs) Act but, by way of illustration, in 2004-05—as I say, conclusions cannot yet be drawn from it but it does give some indication of the sort of analysis that we will be much better placed to make in the future in relation to some of the claims of insurance companies about different forms of insurance—Canberrans paid \$32,531,000 in house owner or householder insurance and made claims of half that, \$15,521,000. We paid \$10,256,000 in commercial motor vehicle insurance and received payments in return in terms of claims of \$7,400,000. We made premium payments of \$18,355,000 for fire insurance and the claims totalled \$8,934,000.

The list goes on. Public and product liability insurance premiums totalled \$15,800,000 and there were claims of \$5,900,000. One particular form of insurance, which I find absolutely intriguing, is that in 2004-05 Canberrans paid \$11,620,000 in mortgage insurance and not a single claim was made. I think that it warrants some investigation that Australia's insurance companies can take \$11,620,000 in premiums for mortgage insurance and not pay out a single cent in claims on that form of insurance.

It is early days and one should not rush to judgment in relation to these matters. This is

only the second year of returns. But I do believe that over time this information will become a very valuable resource in tracking insurance affordability.

David Harold Eastman **Paper and statement by minister**

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (3.37): For the information of members, I present the following paper:

David Harold Eastman—Inquiry conducted under section 475 (repealed) of the Crimes Act 1900 into the matter of the fitness to plead—Volume 1, dated 6 October 2005.

I ask for leave to move a motion authorising the publication of the paper.

Leave granted.

MR STANHOPE: I move:

That the Assembly authorises publication of the paper.

Question resolved in the affirmative.

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

Leave granted.

MR STANHOPE: On 3 November 1995, David Harold Eastman was convicted by the Supreme Court for the murder of Colin Winchester. In 1997, the full court of the Federal Court rejected an appeal by Mr Eastman against his conviction.

In May 2000, the High Court dismissed an appeal by Mr Eastman against the Federal Court's decision. The High Court had heard arguments about Mr Eastman's fitness to plead and determined that the appellate system was not the appropriate forum to address the issue. Justice Kirby suggested that any remedy lay with the executive, and the then section 475 of the Crimes Act was mentioned.

In June 2000, Mr Eastman petitioned the Supreme Court, seeking an inquiry under section 475. The petition referred to passages of the High Court's May 2000 decision discussing fitness to plead. On 26 July 2000, the then Chief Justice Miles decided not to direct an inquiry under section 475.

On 31 May 2001, Mr Eastman made another application for a section 475 inquiry on four grounds: a psychiatric report of Dr Jolly; the evidence of Detective Cliff Foster; evidence of the involvement of organised crime; and forensic evidence presented by Robert Barnes and Raymond Webb.

On 28 June 2001, the Chief Justice announced that he proposed to conduct a hearing on whether to direct a section 475 inquiry in relation to Dr Jolly's report. The Chief Justice

had decided not to direct inquiry on the other three matters. A hearing was conducted on 12 July 2001 and on 7 August 2001 the Chief Justice directed the Chief Magistrate to examine the issue of fitness to plead according to the terms of section 475.

Following further judicial review proceedings by the Director of Public Prosecutions and Mr Eastman, a section 475 inquiry commenced, as originally decided by Chief Justice Miles. Although Justice Miles had retired, he was appointed as an acting judge to report on the Eastman inquiry. Mr Greg Cavanagh was appointed as the magistrate to hear evidence for the inquiry.

On 6 October 2005, Acting Justice Jeffrey Miles provided the executive with a two-volume report on Mr Eastman's fitness to plead in the trial of the murder of Colin Winchester. On 10 October, I announced Justice Miles's findings and volume 1 of the report was made publicly available via the Supreme Court's web site. A copy of the report and volume 2 have been provided to Mr Eastman.

The report tabled today is only volume 1. Volume 2 contains personal information about Mr Eastman and his family and further privacy considerations are required before releasing it publicly. I do, however, intend in our next sitting period to table volume 2 of the report, but I do need to take some further advice in relation to privacy issues affecting most particularly Mr Eastman's family.

Justice Miles concluded that Mr Eastman was fit to plead throughout his trial. The government accepts Justice Miles's finding and Justice Miles's recommendation to take no action in relation to Mr Eastman's conviction. The evidence provided to the inquiry and considered by Justice Miles was extensive: 27 witnesses were called, 97 exhibits were admitted and 7,000 pages of trial transcript were examined. Justice Miles reached clear conclusions about Mr Eastman's fitness to plead, given the psychiatric evidence and Mr Eastman's capacity to instruct solicitors. Justice Miles noted that a diagnosis of a mental impairment or symptoms of psychosis do not inherently equate to unfitness to plead.

Justice Miles concluded that at the relevant stages of the trial where unfitness was suggested retrospectively, Mr Eastman was in fact fit. In applying a legal standard of unfitness to plead, Justice Miles found that Mr Eastman's unusual behaviour, associated with his personality disorder, did not constitute unfitness to plead. Justice Miles found that during the trial Mr Eastman demonstrated his capacity to instruct and, when Mr Eastman's solicitors could not get instructions, it was a decision of Mr Eastman rather than an incapacity to instruct.

Justice Miles has presented the executive with a comprehensive and thorough analysis of the issue of Mr Eastman's fitness to plead, and the government proposes that this matter now be put to rest.

Papers

Mr Quinlan presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds within the

Department of Economic Development, including a statement of reasons, dated 19 October 2005.
Consolidated Financial Statements—Management Discussion and Analysis—Financial year ending 30 June 2005.
Pursuant to section 25—Consolidated Annual Financial Statements, including audit opinion—2004-2005 financial year.
Capital Works Program 2004-05—Progress report—June 2005 quarter.

Leases

Papers and statement by minister

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

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July to 30 September 2005.

I ask for leave to make a brief statement.

Leave granted.

MR CORBELL: Mr Speaker, section 216A of the land act specifies that a statement be tabled in the Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 July to 30 September this year. During the quarter, 21 leases were issued by direct grant. For the information of members, I have also tabled two schedules relating to approved lease variations and change of use charge payments received for the same period.

Land (Planning and Environment) Act

Paper and statement by minister

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

Land (Planning and Environment) Act, pursuant to subsection 229B (7)—Statement regarding exercise of call-in powers—Development application No DA200309819—Block 18 Section 4, Bruce, dated 12 October 2005.

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

Leave granted.

MR CORBELL: On 24 August this year I directed, under section 229A of the land act, the ACT Planning and Land Authority to refer to me development application No 200309819. After examining the application, I advised the Planning and Land Authority by notifiable instrument that I had decided to consider this development application.

On 12 October this year, I approved the development application, using my powers under section 229B of the land act. The DA sought approval for the construction of a retirement complex consisting of a 100-bed aged care facility and 78 independent living units, with associated landscaping, car parking, paving and other site works.

In deciding the application, I gave careful consideration to a range of issues that had been raised during the consultation and assessment processes, as well as the advice of the ACT Planning and Land Council. The issues raised included the likely impacts on the amenity of adjoining residents, solar orientation and design of buildings, legibility and accessibility of pedestrian routes, reinforcement of a sense of community, and landscape quality.

I sought further information from the proponents regarding these matters and, as a result of those discussions, the proponents undertook significant site plan revisions, which addressed the key issues that I raised with them. These significant plan revisions have resulted in internal roads being relocated away from adjoining residences to minimise impacts on neighbouring properties, the retention of additional existing trees, the enhancement of community spaces, and significantly improved solar access to dwellings. Landscaping has also been proposed that is in character with the surrounding bushland and incorporates additional native planting.

In considering this application, I have considered ensuring a quality living environment for future residents through the provision of usable common open spaces with good pedestrian access, bushfire management, solar access and orientation of dwellings, location of waste enclosures, landscaping that creates a clear link with the adjoining nature reserve, and amenity issues for existing and future residents.

I am satisfied that the revised plans submitted for discussion address these matters. I have imposed conditions for revision of the original proposal based on these revised plans. I have used my call-in powers in this instance because I consider the proposal responds to a major policy issue and provides a substantial public benefit by providing housing for the ageing community in Canberra in a location where people can remain in familiar environments close to existing networks.

Another reason for my decision is that the proposed development also has a substantial effect on the achievement of the objectives for the territory plan, particularly in respect of the provision of a wide range of housing types and choice and the provision of affordable housing to accommodate the ageing in place in established areas.

Mr Speaker, the approved development will create a range of active and passive recreation spaces for future residents, with the facility to include ancillary services such as a chapel, auditorium, library, hairdressing salon, cafe, meeting rooms and a recreation room, as well as plenty of open space. The development will include 75 high-care places, 23 low-care places and 78 independent living units, 30 of these in apartment-style living, as well as a community centre. This approach to ageing in place will allow people to remain within a familiar environment as their care needs increase.

Little Company of Mary Health Care, which is the proponent, has advised that high and low care places will be available to a significant number of pensioners and people who

are less well off in the community. Also, 36 places will be provided for people with dementia and, importantly, 18 of these will be low care dementia-specific places which are currently in short supply in the ACT.

Under the provisions of the land act, I have the power to consider a development application if, in my opinion, the application raises a major policy issue, the application seeks approval for a development that may have a substantial effect on the achievement or development of objectives of the territory plan or the approval or refusal of the application would provide a substantial public benefit.

Section 229B of the act specifies that if I decide an application I must table a statement in the Assembly within three sittings days of the decision. I have tabled this statement today, providing a description of the development, details of the land on which the development is proposed to take place, the name of the applicant, the details of my decision and the grounds for the decisions, and I have also tabled the comments of the ACT Planning and Land Council on this proposal.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Court Procedures Act—Supreme Court Amendment Rules 2005 (No. 1)—Subordinate Law SL2005-26 (LR, 29 September 2005).

Education Act—Education (Government Schools Education Council) Appointment 2005 (No. 3)—Disallowable Instrument DI2005-226 (LR, 10 October 2005).

Fair Trading Act—Fair Trading Amendment Regulation 2005 (No. 1)—Subordinate Law SL2005-27 (LR, 6 October 2005).

National Exhibition Centre Trust Act—National Exhibition Centre Trust Appointment 2005 (No. 2)—Disallowable Instrument DI2005-230 (LR, 13 October 2005).

Public Place Names Act—Public Place Names (Kingston) Determination 2005 (No. 1)—Disallowable Instrument DI2005-228 (LR, 13 October 2005).

Road Transport (General) Act—Road Transport (General) Nominal Defendant Appointment 2005 (No. 1)—Disallowable Instrument DI2005-229 (LR, 13 October 2005).

Stock Act—Stock (Fees) Determination 2005 (No. 2)—Disallowable Instrument DI2005-227 (LR, 10 October 2005).

Water and Sewerage Act—Water and Sewerage Amendment Regulation 2005 (No. 2)—Subordinate Law SL2005-25 (LR, 27 September 2005).

Young people's plan and children's plan Ministerial statement

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (3.50): I seek leave to make a ministerial statement concerning the implementation of the ACT young people's plan and children's plan.

Leave granted.

MS GALLAGHER: Today it is my pleasure to report on progress to date in implementing the ACT young people's plan and children's plan. As members will be aware, these important documents were launched some 12 months ago, and since then much has been achieved. Working with the community, we have introduced new initiatives and been able to enhance service delivery to the ACT's children, young people and their families. I cannot stress enough the importance of our engagement with the community in the implementation of the plans. It is the key to sustained and quality outcomes that meet the real needs of Canberra's younger citizens.

The ACT children's plan sets a vision for the children of Canberra. It provides support for children to be resilient and optimistic, healthy and active, creative and innovative, and supported and protected. One of the key commitments of the plan was achieved with the establishment of the Gungahlin child and family centre and its sister service in Tuggeranong, which are tangible examples of the practical initiatives emerging from the plan. As part of this process, the government committed funds totalling \$6 million towards new buildings and \$1.7 million for the provision of services. These centres are leading the way in terms of the provision of universal integrated services for children and families.

Community engagement and consultation with the local community have been underpinning features of the centres' development. In Gungahlin, the child and family centre has forged close working relationships with other government agencies, community organisations and local businesses to deliver a suite of highly successful programs. One example of this is the partnership established to coordinate the Gungahlin Christmas party at Yerrabi Park. The Gungahlin child and family centre worked closely with the LDA, Gungahlin regional community services and other local businesses and clubs to host the party, which 3,000 local residents attended.

In terms of other services provided, the child and family workers at Gungahlin had contact with 644 families over the past year, either through home visits or contact at school or the centre itself. Additionally, since January, the centre's maternal and child health nurses supported families through the 377 clinic visits conducted. Seventy-three local residents have also attended the drop-in speech pathology clinics. These figures demonstrate the range and volume of services being delivered to the Gungahlin community by the centre. This engagement will be mirrored in Tuggeranong as services are expanded.

The plan also commits the government to enhanced prevention, early identification and intervention services that work collaboratively with parents and children from before birth and continue through childhood. To this end, the newborn hearing screening program was extended to both John James Hospital and Calvary Hospital in September and October 2004. This service is critical in providing early intervention support to newborns with hearing difficulty. Early detection and intervention of hearing loss before six months of age has been demonstrated to be highly effective in assisting children's health at a critical time for language development. Given this, the achievements of Canberra Hospital in screening 99.65 per cent of all babies admitted to its centre for newborn care in 2004 is extremely reassuring.

The plan also commits the government to working with Aboriginal and Torres Strait Islander communities to develop services in partnership. The Department of Education and Training and ACT Health have expanded the Koori preschool hearing test program into all Koori preschools for three to five-year-olds. This service, provided by the Winnunga Nimmityjah health centre, has enabled indigenous children to access hearing tests.

Over the past 12 months, ACT Health and the Office for Children, Youth and Family Support have formed even stronger links to meet the often complex needs of younger clients. This has been exhibited, for example, in the MOU that has been established to provide joint care and protection training. To date, 1,450 ACT Health staff have received training. Further targeted training, provided to specialist and front line staff, has commenced and will be continued over this year. The partnership highlights an understanding in government that the responsibility for preventing child abuse must be a whole-of-government, as well as community, commitment. Agencies working together in both the delivery and receipt of child protection training are central to the promotion of shared responsibility and sustainable reform.

The implementation of the children's plan is driven by the principle of collaboration and integration as a way of achieving genuine quality outcomes. The ACT children's plan interdepartmental committee, a whole-of-government senior management group, has been driving the reforms at both a program and a systemic level. It acknowledges the real need to bring about a change of culture at an individual program level, as well as better integrated policy.

The children's plan interdepartmental committee has been making major advancements in the area of promoting evidence-based policy and practice, particularly through its commitment to establish an evaluation framework to measure outcomes for children in the ACT over the life of the plan. This information will then be used to build on proven successes as well as promote a culture that encourages people to critically examine and adopt improved policy and practice. Any evaluation will also take into account work done nationally to improve child health and wellbeing. The national agenda for early childhood, in particular, is an important base for this work.

An important undertaking in terms of removing barriers between the community and government is the commitment to hold the inaugural meeting of the ACT children's plan network forum later this year. This is an explicit commitment within the children's plan. It is envisaged that the network forums will be held quarterly, will be topic-based, have a flexible format, and incorporate an open membership. The inaugural forum, titled "Making connections: understanding the possibilities and challenges of working together", will be held on 9 November 2005 and will be co-sponsored by the National Association for the Prevention of Child Abuse and Neglect, or NAPCAN, another partnership currently being strengthened through mutual commitment.

I turn now to the implementation of the ACT young people's plan. The ACT young people's plan seeks to provide positive outcomes for all young people in the ACT aged between 12 and 25, but particularly those who are at risk. Again, much has been

achieved against the commitments of this plan. I will begin by looking at the implementation of the turnaround program.

Turnaround aims to make major improvements in the way support is provided to young people with intensive needs. It is doing this through a model that has a cross-agency, cross-sector referral process, with a turnaround program team to coordinate services to young people on an individual basis. In the 12 months since it was launched, 16 young people have participated in the program, with 13 per cent of the young people referred to the program identifying as indigenous. Another 13 per cent were homeless at the time of referral. Additionally, five of the 10 young people who were 15 years or older were not in any form of education, training or employment.

Essential to turnaround's work with these young people is their individualised and strength-based support, where each young person is an active partner in decision making about their lives. At this early stage, there is encouraging evidence that the model of coordinated case management is proving very effective.

The young people's plan calls on government to recognise and respond to the needs of young people involved in the criminal justice system. In relation to the commitment, the restorative justice unit has been established in the Department of Justice and Community Safety. Referrals for 27 young people have been made to the restorative justice unit since it commenced operation on 31 January this year. Conferences for seven young people have already been conducted, with an additional 17 referrals currently under assessment. This use of diversionary conferencing strategies to assist young people to stay out of the juvenile justice system is seen as critical in terms of early intervention and prevention of recidivism.

At Quamby Youth Detention Centre, we have been able to successfully provide enhanced support to young people who are at risk of continued involvement in the juvenile justice system. This has largely been achieved through strengthening of partnerships between Quamby and a wide range of community organisations, such as the Ted Noffs Foundation. This has seen real improvements to the transitioning opportunities available to young people.

In line with this transitional focus, an information expo involving 18 key agencies was held at Quamby as part of National Youth Week activities in the ACT. The aim of the expo was to strengthen community linkages prior to a young person's release from detention and promote successful reintegration.

The expansion of the Hindmarsh Education Centre in 2004 to include more variety and a broader curriculum is driven by a commitment to keep Quamby residents engaged in learning and provide them with skills. This has included the introduction of art and technology programs and the provision of additional IT equipment.

The government is further committed to providing improved facilities and services to young people at risk. This commitment has been demonstrated by the allocation of \$40 million for the development of a new youth detention centre. Members of the minister's youth council are currently considering a name for this new centre. A consultation process is being run with a range of people, including the current residents of Quamby, providing feedback and ideas about options for a new name.

The expansion of the school-based new apprenticeship program, with its focus on supporting young people transitioning from school to employment, has proved a great success. This year there were an additional 256 ACT students enrolled in the SNAP program, with approximately 47 per cent of these young people currently gaining invaluable skills in the building and construction industry.

Two of the SNAP programs specifically target young people at risk. These are the building industry skills enhancement program, also known as BISEP, and the Ginninderra relevant apprenticeship pre-employment through education skills program, also known as GRAPES. These programs are seen to be particularly successful. In 2004, there were 24 students at risk of not completing year 10 enrolled in these two programs. All went on to continue their studies at college, except for five who were offered apprenticeships in the building industry. The programs have played an important role in empowering students to identify a career direction, as well as maintaining contact with the school system through the use of an individualised case management approach.

An important highlight of last year was the opening of the new Civic Youth Centre, to which the government contributed \$1.425 million. The Department of Disability, Housing and Community Services, ACT Health and urban services worked closely with Anglicare and the Queensland Investment Corporation to see this important project through to completion. During the planning phase there was extensive consultation with young people in the design and development of the centre and the skate park. In fact, it was young people themselves who came up with the centre name of Club 12/25.

The four youth services occupying the centre are Youth in the City, the youth education program, CYCLOPS ACT and the Junction Youth Health Centre. With so many services in one place, the centre is already a success and becoming an important focal point in Canberra city for young people. As the development of the youth centre highlights, the participation of young people in decision making is a key tenet of the ACT young people's plan. The plan at all levels acknowledges that young people are valued members of the community and encourages them to contribute through meaningful participation opportunities.

The ACT Youth Policy Group has driven many of the strategic achievements in this area over the last 12 months. Membership of the group includes a cross-section of young people, community and government representatives. There are 12 community representatives on the group, with seven of the members being under 25 years of age. The group's role is to oversee the implementation and development of the annual action plan, as well as to promote partnerships between government agencies, community organisations and young people to coordinate an annual policy forum.

The inaugural annual policy forum, which was held in May 2005, was attended by over 85 young people, community and government representatives and was an important mechanism to enable young people to contribute to the development of the 2005-06 annual action plan. The children's plan and young people's plan challenge government to work in partnership with the community to provide significant support for the territory's children and young people. Already significant achievements have been made against the plans' commitments and I congratulate the government agencies, community organisations and children and young people of the territory who have worked together

to implement practical and innovative policies for the benefit of not only the territory's young, but also the wider community.

The government remains totally committed to the spirit and intent of the children's plan and young people's plan. We will continue to implement strategies, in tandem with the community and, most importantly, with children and young people that are meaningful, transparent and accountable and that deliver better opportunities for our children and young people now and into the future. I present the following paper:

ACT Children's Plan and Young People's Plan—Progress report—Ministerial statement, 20 October 2005.

I move:

That the Assembly takes note of the paper.

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

Industrial relations

Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Ms Porter, Mr Pratt, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

The impact on young people, women and the disadvantaged in the ACT of the Federal Government's proposed industrial relations changes.

MS PORTER (Ginninderra) (4.05): Whilst we have discussed the IR reforms in great detail this week, I want to bring to the attention of the Assembly the particular impact these changes will have on young people, women and the disadvantaged in the ACT. I am aware that those opposite are tiring of this debate. In fact, their current leader, Mr Smyth, cannot even summon up enough energy to contribute one word to discussions of such important matters as industrial relations and workers' rights and conditions. I for one find this very strange, and I am sure that members of the ACT community will find it quite interesting.

Might it be that in recent times Mr Smyth has been more concerned about protecting his own job and the benefits that go with that job, rather than having concern for the rights of hardworking Canberrans? One can only hope we will hear from the Leader of the Opposition on this subject today. However, although those opposite are becoming mightily sick of hearing about the dreadful act their federal colleagues are preparing to commit against Australian workers, I am going to point out a few more home truths. Perhaps this time they will really listen. Perhaps this time it will really sink in. Perhaps this time they will really understand the effects of this legislation. I understand they tend to be slow learners. However, I am ever an optimist and I am hopeful that at least a little of what I am about to say will seep into the grey matter of those opposite.

I believe that the Minister for Children, Youth and Family Support has worked hard to ensure that the future of young people in the territory is bright. As the minister just outlined in her progress report, the children's plan and young people's plan have proved to be successful models for ensuring that government and community groups work together to provide the best opportunities for future Canberrans.

Canberra's population continues to grow. Our economy is strong and our unemployment is the lowest in the country. However, this bright future for our children and young people is threatened by the Howard government's decision to radically alter a workplace relationship system that has led to harmonious workplaces thus far, workplaces that have fostered good working relationships between young employees and their employers.

The future that Mr Howard envisages for the young workers of this territory is very different. His changes threaten the fundamental building blocks of the existing system, such as training, health and safety, and basic working conditions. They will affect the future of our young people. I am not alone in having these concerns. Les Twentyman is a social worker with the not-for-profit organisation Open Family Australia. For nearly 30 years, Open Family Australia has been helping to improve the wellbeing and self-worth of street children.

Mr Twentyman is the public face of that organisation, which operates in Sydney, Melbourne and right here in Canberra. He has spoken in the media about the industrial relations changes because he is worried that they will give unscrupulous employers the ability to exploit young workers. Mr Twentyman is not a politician; nor is he seeking to make any political gain from his comments. He is quite simply concerned about the future of young people under these changes. On 13 October this year he was reported by AAPT as saying, "There are a lot of lives that can be really screwed up if we do not ensure the right safeguards are in place."

As Mr Twentyman pointed out in his rather colourful language, the chances for young people to be exploited through employment practices such as unpaid trial periods, low rates of pay and misuse of bargaining power are much higher under these proposed reforms. By its own admission, the federal government has admitted he is right to be concerned. Its recently released WorkChoices booklet admits that workers under the age of 18 are in an unfair bargaining position as compared with employers and suggests that the new system will therefore include a requirement that the consent of a parent or guardian be gained before a young person signs an AWA.

It is a sad indictment of the Howard government that it has taken so long for it to admit that young workers are being exploited through the misuse of AWAs. It is also an admission that union-negotiated agreements do not need the consent of a parent or guardian because, through collective bargaining power and industrial relations expertise, a union agreement ensures that young workers are not exploited. The government is admitting that there is overwhelming potential for its secret, individual AWAs to be used to exploit young workers. It is a great example of ill-thought out, ideologically driven policy.

The Howard government is asking parents to become industrial relations experts to ensure their children are not taken advantage of. Today a parent can rest assured that

their son or daughter is not being exploited because the protection is in the system. When these protections are stripped away, they are expected to carry the burden for the good of the almighty economy.

We already know young workers are pressured to work by unscrupulous business bosses. A recent survey from South Australia entitled "Dirt cheap and disposable" shows a quarter of 15 to 19-year-olds have been pressured to work overtime without pay; a quarter have been pressured to work while sick; and nearly a third have been pressured to work through meal breaks. In John Howard's future, these workers will be forced to give in to pressure from their employers for no gain.

We need only to look at the government's own WorkChoices booklet and the example of Billy, a young worker about whom we have heard much recently. Through the aid of a very talented bargaining agent, Billy gives up public holidays, rest breaks, bonuses, annual leave loading, allowances, penalty rates and shift overtime loadings, all for no increase in conditions.

Even with a bargaining agent Billy has given up, for no return, some 40 per cent in additional pay. Billy is clearly disempowered. The employer holds all the cards. Mr Howard has admitted publicly that this is the future he would like to see for young Australians, a future where they are exploited by unscrupulous employers for the sake of corporate profits. What a future! We should be very afraid.

The system we have now, where agreements for young people are collectively bargained to ensure equal bargaining power with bosses, where the minimum wage is set by an independent body whose aim is to ensure a fair living wage is paid and in which young workers, unfairly sacked, are protected is the only one that can protect the young workers of the ACT. The Stanhope government fears greatly for these workers. We will therefore do all we can to resist these changes and protect the young people of the territory.

I am also very concerned about the impact the IR changes will have on the 48 per cent of our work force that is made up of women. ABS data shows that the ACT has the highest percentage of female participation in the work force. The Prime Minister has said that the major driver of these changes is the desire of the federal government to have more Australians on individual secret Australian workplace agreements.

The use of AWAs clearly results in poorer outcomes for women. Figures from the Australian Bureau of Statistics show that only some eight per cent of AWAs registered to date have provision for paid maternity leave. Further, women on AWAs earn, on average, \$5.10 an hour less than men. When you consider that most women work in part time or precarious employment, the picture looks even worse.

Casual workers on AWAs are paid 15 per cent less than workers on registered collective agreements. Permanent part-time workers do not fare much better. Those on award only conditions earn, on average, eight per cent more than AWA workers. Further, women covered by collective agreements have an hourly rate 11 per cent above women on registered individual contracts. Research also suggests that secret contracts offer less flexibility for work-family balance and provide less job satisfaction. Given women's dependence on casual work, I am also fearful these changes will lead to a change in the nature of that work. Currently casual workers must be paid a minimum of three hours for

a shift. However, given the track the federal government is on, I believe even this protection is under threat.

The number of women in the work force in the ACT with children under four is some 10 per cent above the national average. I was therefore heartened by the recent family test case decision in which the ACT government is proud to have played a part. We joined with the other states and territories in arguing for these changes. That decision meant that an eligible employee will be able to request an extra year of maternity leave to work part time until their child is school aged and a further four weeks of simultaneous unpaid parental leave in addition to a right to four weeks simultaneous unpaid parental leave at the birth of a child or an adoption of a child. This will give the employee the potential for up to 104 weeks unpaid shared parental leave.

Under the decision, employers would have to consider the employee's circumstances and may only refuse these requests on reasonable grounds related to the effect on the workplace or the employer's business. These grounds can include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service. However, this decision is under threat. Instead of using the IR reforms as an opportunity to finally implement the 14 weeks maternity leave protection that Australia is obligated to protect under ILO conventions, the Prime Minister has refused to guarantee even the lesser protection of the family test case. Future decisions like the family test case will no longer be possible. Frustrated that the independent umpire has stepped in to help parents where the federal government refused to tread, Mr Howard has announced that the AIRC will be stripped of its power to hear cases like these.

I am fearful of the impact that increased use of AWAs, unmitigated by the family test case benefits, will have in the ACT. I am not alone in my fears for the future of women in the territory because of the appalling policies of the Howard government. The three national secretariats for women, WomenSpeak, Security4Women, and the Australian Women's Coalition, have all spoken out against Howard's industrial relations changes. They, too, are concerned that there is no in-built flexibility within these changes to respond to the complexity of women's lives and family situations. I support their call that they and other relevant groups have the opportunity to review this legislation before it is rammed through the Senate.

But these are not the only women's groups speaking out against the damage caused to women by this federal government. I was delighted to find on the Canberra Liberals' web page that the Liberal Women's Forum have identified key issues facing women in the ACT. Under the heading of work, the forum lists problems women in the ACT are facing. These include: problems with casualisation of jobs; the impact of childcare on funding, presumably at the federal level as the ACT government has never funded childcare; and limits on career advancement of women in general. It is these women that will suffer most from Howard's ideologically driven reforms.

Unfortunately, when we are discussing women at work and disadvantaged workers, we cannot help but look at casual workers. A third of the working women are currently employed as casuals, with no access to paid sick leave, annual holidays or public holidays. Eighty per cent of young women are employed casually. But, whether you are male or female, young or old, these changes will affect all casuals in a negative way.

Already, one in four workers is casual, and it is predicted to increase to one in three in the next 10 years.

Under these reforms, only five of the current 20 award conditions will be protected. Let me remind those opposite, because I am not sure they have yet cottoned on, that these include: a minimum hourly rate of pay, which is currently \$12.75; 10 days sick leave; four weeks annual leave; unpaid parental leave; and a maximum number of weekly working hours. This means award conditions such as penalty rates are not guaranteed by law.

As the WorkChoices example shows, these changes will be a disaster for casual workers. Like Billy, they will be forced to accept individual agreements just to get a job. These agreements will strip away their current entitlements to penalty rates and meal breaks. In the case of minimum wage earners, this could represent 40 per cent or more of the salary to which they are currently entitled by law being stripped away for no compensation under the new system.

Remember, Billy is offered a full-time job contingent on his accepting an AWA that explicitly removes other award conditions, such as public holidays, rest breaks, bonuses, annual leave loading, allowances, penalty rates and shift overtime loading. With the undermining of collective bargaining rights that these changes bring, casuals will be amongst the most disadvantaged workers in the community and they will be less and less able to rely on their unions to fight for their rights. I am very concerned about where this race to the bottom will leave the Canberra community. I would have thought that all in this place, including those opposite, would share my concern.

MR MULCAHY (Molonglo) (4.20): We have heard, through this MPI, virtually repeated Ms Porter's motion of yesterday. Sadly, it is the same tired whingeing about the dire consequences for the ACT of freeing up workplaces and giving employers and employees the freedom to make decisions that will make both of them better off. Ms Porter talks about a drive to the bottom. It is the same message, as I said yesterday, the day before—

Mr Stefaniak: And the day before that.

MR MULCAHY: And the day before that, Mr Stefaniak; I keep saying it. It is the same as the message they had in 1995: the world, as we knew it, was going to come to an end. It did come to an end, because suddenly we had a buoyant economy; we suddenly had massive growth in employment. And did we get a fall in wages like we had seen in the rather ordinary growth under Labor? No, we saw a massive growth, about 14 per cent, over the period of the Howard government. We continue to see that level of growth. I have no doubt that we will continue to see economic prosperity. So this trip to the bottom is one that I find intriguing, because these claims have been made before, and they do not have much substance.

The fact is that the nonsense that has wasted so much of the time of this Assembly this week has little to do with the Labor Party's concern for young people, for women, for casual workers and so on. It is really about instructions from the party's union masters to try to prevent the workplace reforms becoming effective. It is not hard to see why. Whilst employers and employees stand to gain, the only potential losers from the

proposed workplace changes are union heavies who will see their power and influence diminished.

But not all will be in that category. Union and employee representatives who provide an effective service to their members and other groups of workers will have lots of opportunities. There will always be employees who will want advice on options available to them and who will want a person with expertise and experience to negotiate on their behalf. The same applies to employer organisations. There are employer organisations that have gone out of business because they lost touch with their constituency and failed to provide services to their members. Unions that cannot keep up with the modern demands of the workplace, the changes in our society, and the needs of, particularly, young people are going to find they are very quickly becoming irrelevant. The days of the old time union heavy living off the sweat of working people are coming to an end.

The problem my colleagues opposite have with me is, of course, that I know how it works: I have been there; I have seen the way they operate; and I have seen these union officials who have lived off the fat of the land year in, year out, and have bullied their way around the work force. We hear all this talk about protecting young people. They bullied every young person into joining unions in days gone by when they were able to do that. You walked into the factory; it was: "Sonny boy, you sign here on the dotted line. This is a closed shop, and woe betide anybody who dares to question that sort of approach." Thanks to the freedom of association provisions and thanks to some of the United Nations initiatives that have been quoted so often by my colleagues opposite in other debates, they cannot do that any more; they cannot intimidate people into joining the unions.

Mrs Burke: That is right.

MR MULCAHY: Mrs Burke has seen this from where she grew up, where this all has its origins of closed shops and standover tactics by union officials demanding people pay up their money to keep the union officials going in the style to which they have grown accustomed.

We have a new era; there is a new way of doing business and it is going to sort out those who are genuinely trying to help the people they represent, whether they are employers, small business or whatever, or whether they are employees. There will be opportunity under this new industrial regime for them to have an important and ongoing role.

I would say to Ms Porter and to her colleagues, "You do not have to be so protective of the union bosses; they really can look after themselves. They have had a good run." I would love to hear you highlight the opportunities that exist for the people of the ACT which will flow from the federal government's workplace reforms.

I am sure that you must be having doubts because you ran all of this before and you know how terribly wrong you were. I would be a tad embarrassed because I would be saying to myself, "If we stick our necks out here, in 12 months from now we are going to be hearing in the Assembly all of our gloom and doom talk and we will probably see the ACT economy strengthened further." They will not see children put back into the coalmines, as they would almost have us believe. They will in fact see an improved industrial environment. But no, there is absolute, blind resistance in this last heartland,

this heartland of traditional industrial positions that are so eloquently espoused by my colleagues opposite.

It is interesting that Cardinal Pell's name was used more often in the last two days than I have had Sunday lunches. I had the opportunity to meet his eminence only a couple of weeks ago in Canberra and I did hear him make some comments that were not particularly supportive of the industrial reforms that are being proposed. I was a little surprised—he does not speak with papal infallibility on these matters and is entitled to have his opinion—and found interesting what happened the next day at the Press Club, where he admitted that he had been very concerned in 1996. I have quoted a number of the friends of the Labor Party and their members who were also concerned in 1996. He realised and admitted that he got it wrong. What he is doing now is making prudential judgments—and he is entitled to those—but he has certainly had the integrity to admit that his forecast of gloom and doom made nearly a decade ago turned out to be without basis.

Members opposite seem to want to keep trotting out the same old rhetoric that we have heard every day this week. I must say that I do acknowledge something one of my colleagues opposite, Ms Porter, said: we are getting tired of it. We are getting tired of it because there is nothing new. We know the Labor Party is dead set against any change when it affects unions. They have to be protected; they are the power brokers in this territory; they call the tune on the preselections; they call the tune on the dollars. I understand you are captives. I am not a captive of anybody here. If I do not agree with the federal government I will say so. I will say on this one that I believe that the initiatives that they have in mind will eventually be proven to be correct and that we will benefit, as we have on so many other reforms.

We have gone through this before. We had tax reform and we were told that it was going to be ruination; there will be people starving in the street and gloom and doom in all directions. And what do we see? The economy is pumping along, unemployment is coming down and business is going well. People are coming to me and complaining, "We have got so much business we just cannot get enough people here. Nobody is looking for work." That is what has prompted me to call for more immigration, because we are in fact going so well in this country. But we cannot afford to be complacent.

Members opposite seem almost blind and deaf to what is being proposed. I remind them that the federal government is not eliminating or outlawing any terms and conditions that currently exist within the federal system. Even matters that can no longer be in awards can continue to exist in agreements, including features such as penalty rates and long service leave.

I have to say about penalty rates that they are up there, along with motherhood, as a sacred institution. The fact is that the penalty rates situation has been enshrined over many years but is very largely anachronistic. In the industry I worked in for about 12 years, we had these penalty rates that kicked in from 7 o'clock at night. The reason they kicked in at 7 o'clock at night was that the pubs used to shut at 6 o'clock and people would have an hour to wash up and clean up and then go home. So, if you had to work after 7 o'clock, it was unreasonable.

What happens in 2005? Now, everybody goes out on Thursday, Friday and Saturday nights. That is the normal time of doing business in hospitality; yet we sit there saying,

“The normal time for doing business is 9 o’clock in the morning and, if you want people to work after 7 o’clock at night, that is very strange; so we have to create a penalty arrangement for this.” We have to face the fact that our city and our society have changed, and we should be reflecting in industrial practices and industrial terms and conditions a situation that takes into account what is the normal way of doing business.

The normal pattern of business at some industries is not of a Monday from 9.00 am till 5.30 pm, as though they are all in the public sector. Let us look at these things in an historical context before we get too excited. I have no problem with people getting paid fairly for their effort, and I am quite sure that we will continue to see people paid fairly for their effort.

Ms Gallagher: That is big of you.

MR MULCAHY: I did not hear that comment, but I am sure it would have been in the same spirit as all the other comments there. I am more than happy to respond if you want to repeat it.

Employers and employees who wish to keep their current terms and conditions certainly will be able to do so. Workers currently on awards can transfer those terms and conditions into agreements which will now be able to run for up to five years rather than for the current maximum of three. Employees will be able to keep their conditions until they agree to new arrangements with their employers. I hope the minister is getting across all this because I know she feels she does not know what is going on. I am trying my best to help her. I am keen to point out all these things because apparently she does not know what is going on with this. The minister can get it on the internet site, if she wants, but, if the minister wants to be told firsthand, I am happy to let her know.

In contrast to the scaremongering we hear from union apologists opposite, lunch breaks, public holidays and a minimum of four weeks annual leave will continue to be protected in the new legislation. So the world is not coming to an end. I promise you: we are not putting children back down into coalmines. The work of William Wilberforce and others is safe. In contrast to other misleading union claims, unions will still have the right to negotiate collective agreements. Union right of entry to workplaces will continue to exist, and the Industrial Relations Commission will continue to play a role in the resolution of industrial disputes and the determination of awards.

For the first time ever under the federal system, a common set of minimum terms and conditions will apply to all employees. And won’t that be good! People will know they are guaranteed certain minimum standards. There will be no confusion; there will be no disparity on this; and knowing their entitlements is something that will give a lot of people confidence.

The current system consists of thousands of different awards. I am yet to meet anybody who could confidently find their way through most industrial awards, even when they have been in industries for a long time. They are complex documents; they are difficult to read; they are constantly subject to mixed interpretations and ambiguity. I have spent most of my career dealing with employers who have struggled to find their way through these awards and work out what they mean. Quite frankly, often industry associations are

equally confused. But all of the situations we see at the present time are basically old systems. They are old systems characterised by awards of several hundreds of pages.

Minister, members and Mr Temporary Deputy Speaker: we need to look at the facts. We have to realise that the weekly earnings of people who are on AWAs are, on average, 13 per cent more than those of employees on collective agreements. We need to note the fact that non-managerial AWA employees' weekly earnings are, on average, three per cent more than those on collective agreements that the unions are so fond of. Private sector AWA employees' weekly earnings are, on average, nine per cent more than those of private sector employees on collective agreements. Public sector AWA employees' weekly earnings are, on average, 57 per cent higher, that is, \$1,378 compared to \$878, than those of public sector collective agreement employees.

Given the clear advantages of AWAs over collective agreements, employees have responded how you would expect them to: 761,000 have been approved since their introduction in 1997 to the end of September 2005; indeed, 214,000 have been approved in the past 12 months. This represents a 38 per cent increase on the previous 12 months.

I have little time remaining but I would like to conclude with a few points. The evidence is also that workers are satisfied. More AWA employees are satisfied that they are rewarded for their efforts than collective employees—44 per cent is the figure—in those categories, and 38 per cent of AWA employees are more satisfied with the change in their pay and conditions, compared to 28 per cent of those on collective agreements.

Yesterday, the minister made something of the fact that she felt that I had an advantage in terms of briefing in relation to what the Australian government was doing in this regard. I have made further inquiry on this matter and I understand that Minister Andrews wrote to the ACT government, to the acting IR minister at the time, Mr Hargreaves, and told him the government remains “open to input on its reform plan from state and territory governments”. At the last workplace relations ministerial council meeting the minister agreed with state and territory ministers to continue consultations on the proposed new framework.

State and territory governments have an open invitation to contribute. States have been invited to refer their powers to enable them to have the benefits of a single IR system, as the ACT, the Northern Territory and Victoria currently do. It is interesting that there has been very much an open-door policy extended to the territory government and to the minister, and I sincerely hope that she will take up the invitation that has been extended to her and become familiar with this legislation.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.35): I must say that you can never tire of the discussion. I keep standing up and thinking I will talk on certain aspects of the laws. Then I listen to Mr Mulcahy and he knows how to get me going. As I said, the beauty of *Hansard* is that all of that remains there for use.

In relation to Minister Andrews's offer of open consultation, Minister Andrews has refused consistently, at every meeting that I have attended, to give the legislation to the territories or the state governments to consult with him over it. That is what we have

asked for—we want consultation on the laws—and he has refused time and time again. He has said that it is the biggest drafting program that the federal government has undertaken since coming to power, but he has made it clear that the first time that we will get any idea of what is outside of the material which the rest of the public have, of what is in the legislation, is when the legislation is tabled.

When a law is foreshadowed that affects the territory the way this law will once it is enacted, I cannot see a clearer example of the need to consult. We have a commitment from Minister Andrews to consult over laws that impact on the territory, and he has refused to take part in that consultation time and time again. His idea of consultation is: “Please hand over your powers and then we will be in a better position to talk to you about this legislation.” He is simply refusing to give those of us who are not in the position of the other states—that is, Victoria, the Northern Territory and the ACT—any indication of how they intend to legislate in this area.

The WorkChoices document refers to the fact that the laws will cover the field. It is unclear as to whether it is going to override legislation that we already have in place or whether it is just going to be a rewrite of the Workplace Relations Act. These are the serious issues that he has—

Mr Mulcahy: But you have not asked for a meeting; you have not asked his office for a meeting.

MS GALLAGHER: I have met with Minister Andrews at ministerial forums and have raised these matters with him, and he has refused to consult with us. He wrote to me last week after the WorkChoices document was released—I received it early last week—saying that he looks forward to making officers available to my officers to talk about the proposed framework. That is fine. I am sure those meetings will go ahead. But it is difficult to talk about a proposed framework when you have no idea of the framework you are talking about. They do not know what they are going to talk about if they do not have the legislation to talk about. It is clear that we are not going to have the legislation to talk about until it is all in the parliament. Those discussions simply cannot take place.

Mr Mulcahy also talks about the beauty of AWAs. The reality is that 87 per cent of the public service remain on collective agreements. I would have to check the figures that Mr Mulcahy is using of a 57 per cent increase in wages, or \$1,378 higher than workers on certified agreements. The reason is that AWAs have been primarily taken up at the SES level, at the senior management level, where they certainly earn a great deal more than those that are covered by certified agreements. I would not necessarily be screaming that figure too loudly because I am not sure it is one to be proud of—13 per cent of a work force who are on AWAs earn 57 per cent more than those who are on a collective agreement. To me, that is a negative figure because it shows where those wages shifts have occurred; they have occurred at a level of management where salaries are already considerably higher than those of the majority of the work force.

If we were to be cheeky about these things, we could call Mr Seselja “Billy” because he took on an additional job with no more pay. As manager of opposition business—just like poor old Billy in WorkChoices, who had to trade away conditions for no extra pay—Mr Seselja this week has taken on additional work for no extra pay.

Yesterday, Mr Seselja took up the point about this figure that Mr Howard uses all the time—there has been a 14 per cent increase in real wages—and said, “Isn’t this making the lives of people better; therefore, shouldn’t we support what the federal government has done?” That was the argument that he was running. It is easy to accept the argument that the figure that the Prime Minister is using of a 14 per cent increase in pay is a real figure that you can apply across the board.

The research that has been done on that figure shows that the average increase, if you take out senior managers—if we are looking at the impact that this will have on the disadvantaged, as this MPI does—between 1998 and 2004 was 3.6 per cent. That is according to an analysis of ABS data by Unions New South Wales. All right, you can disagree with that. But they are the figures. The figures are there; they are published. This is how you can use figures, I guess, to support each other’s argument. Workers in the lowest two percentiles received an average of 1.2 per cent over the six-year period, whereas workers in the high percentiles were the ones to enjoy the increase in real wages of 13.4 per cent.

You can take the 14 per cent increase argument if you want but, if you look across the board, these changes that the federal government is talking about are not changes that are necessarily going to affect that upper end of the job market because those people—and I include us in the chamber in that—are able to look after themselves; we are able to bargain; we have skills that make us employable, and employable under good conditions. But this MPI is about those members of our community that are disadvantaged.

Again, if you take the federal government: look at how real wages have increased; look at the increases to the minimum wage which the federal government is taking credit for, too. It is a bit of a funny argument because they are, on the one hand, saying, “The IRC is being too generous; so we need to have the fair pay commission, to set up a new regime to exert some control over the Industrial Relations Commission and the independence of it.” But in every single living-wage case that the federal government has been involved in, they have opposed the wage increase.

Mr Mulcahy: They have come up with a compromise figure.

MS GALLAGHER: A very low compromise figure, which the Industrial Relations Commission has not supported. The state and territory governments have been the closest. We argued for a \$22 wage increase and there was a \$20 wage increase given, or around that figure. Usually, the federal government is arguing for \$9 or \$10 and the unions are arguing for \$27. But in the living-wage cases, the state and territory governments, which do some very comprehensive analysis—it is always published on the web site—of how our economy is going, what the wage movements in the public sector are and what we need to be able to compete, have been the ones whose figures have been accepted. It is a bit rich that the federal government now come and take credit for those wage movements, when they certainly have not been supportive of them and, after the decisions, have commented on the fact that they do not think the economy can afford to pay these kinds of wage outcomes.

I know Mr Mulcahy describes us as generating the doom and gloom, but listen to the federal government on those outcomes and you hear the doom and gloom. “This will

mean lost jobs; it will be bad for the economy.” You see that year after year. There has been no evidence to show that those very small wage increases to the very lowest paid have had that impact on the economy at all.

In fact, the workplace relations minister has gone further than that and said that he believes that minimum wage earners are \$70 a week overpaid; they get more than they should be entitled to and they should take a 15 per cent cut. This is essentially what he is arguing. I do not think he is arguing it for himself or for the Prime Minister. We are talking here about the impact on the disadvantaged. We believe these laws will have an unfair impact on them and we will do what we can to protect the working poor in the ACT.

DR FOSKEY (Molonglo) (4.45): I want to say briefly that for my and the Greens’ opinion on this particular topic please refer to my speech yesterday in response to Ms MacDonald’s motion and on other related topics in earlier sittings. The Greens’ view on industrial relations is well known, on the record, available on the web. I commend it to you.

MS MacDONALD (Brindabella) (4.46): Thank you, Dr Foskey. We are aware that you have spoken in support of these issues and recognise that the issue is of importance.

One might well ask why we have raised these matters so continuously this week. The fact is that it is imminent that the legislation is about to be changed federally, and we on this side of the house consider it to be a matter of such importance that we have decided to concentrate very much on it this week.

Yesterday, in my motion, I made reference to some of the comments that have been made by the Australian Catholic Commission for Employment Relations specifically. I also made reference to comments which have been made by George Pell; the Brotherhood of St Laurence; the Uniting Church; and Peter Jensen, the Anglican Archbishop of Sydney. I also specifically referred to *Rerum novarum*, which was a papal encyclical, that is, a letter addressed by the Pope to his bishops in 1891 by Pope Leo XIII. The reason that I raised that was that *Rerum novarum* was an encyclical written on the condition of workers.

It is quite interesting for me, I have to say, as the only person in this place who is Jewish and one of the few people in this place who are not necessarily of any particular Christian denomination, to be in the situation of quoting a Catholic bishop from over 100 years ago. I am quite certain that *Rerum novarum* holds today as much as it did in 1891. I would like to make a few quotes from *Rerum novarum* which are pertinent to this matter of public importance.

It is a pity that Mr Mulcahy has left the chamber. He did make the comment yesterday when I mentioned *Rerum novarum* that he carries a copy with him at all times in his briefcase. Maybe he knows it word and letter. But these are the quotes that I would like to put on the record. Pope Leo XIII said:

In protecting the rights of private individuals, however, special consideration must be given to the weak and the poor. For the nation, as it were, of the rich, is guarded by its own defenses and is in less need of governmental protection, whereas the

suffering multitude, without the means to protect itself, relies especially on the protection of the State. Wherefore, since wage workers are numbered among the great mass of the needy, the State must include them under its special care and foresight.

Rerum novarum also says:

Labor which is too long and too hard and the belief that pay is inadequate not infrequently give workers cause to strike and become voluntarily idle. This evil, which is frequent and serious, ought to be remedied by public authority, because such interruption of work inflicts damage not only upon employers and upon the workers themselves, but also injures trade and commerce and the general interest of the State.

I thought that one was particularly interesting, because Mr Mulcahy was going on quite considerably yesterday about how the economy is not just related to wages, et cetera, and I had meant to say in closing—I am not sure if I did; I cannot remember, because I had a lot to say and I ran out of time, unfortunately—that I am quite well aware that the economy relies on much more than just wages. Fair wages certainly are important to those people who are the engines of the economy, that is, the work force.

Rerum novarum also says:

The following duties ... concern rich men and employers: Workers are not to be treated as slaves; justice demands that the dignity of human personality be respected in them ... gainful occupations are not a mark of shame to man, but rather of respect, as they provide him with an honourable means of supporting life.

It is shameful and inhuman, however, to use men as things for gain and to put no more value on them than what they are worth in muscle and energy.

The final quote that I would make, which is probably the most pertinent, is this one—

Mr Seselja: Is this still *Rerum novarum*?

MS MacDONALD: It is *Rerum novarum*. I am just reminding you of that great encyclical. The final one that I quote for those opposite and for federal minister Kevin Andrews, who is a noted Catholic, to keep in mind is that you cannot pick and choose which popes you want to take information from and which particular things they say. This was a very important work at the time and did a lot to change things. You could not say that it was specifically socialist in ideology because it was not. The pope at the time made many comments about the rights of people to earn wages and to spend that money as they chose; that was their ownership. We are certainly not advocating that all money be centralised by the state.

As I was saying, the final quote from *Rerum novarum* is:

Equity therefore commands that public authority show proper concern for the worker so that from what he contributes to the common good he may receive what will enable him, housed, clothed, and secure, to live his life without hardship. Whence, it follows that all those measures ought to be favoured which seem in any way capable of benefiting the condition of workers. Such solicitude is so far from

injuring anyone, that it is destined rather to benefit all, because it is of absolute interest to the State that those citizens should not be miserable in every respect from whom such necessary goods proceed.

Such was the comment of Pope Leo XIII in 1891. As I said earlier, it still holds today. It pertains particularly to this matter of public importance because, as I would remind the house, the matter of public importance that we are discussing today is the impact on young people, women and the disadvantaged in the ACT of the federal government's proposed industrial relations changes.

So I would remind those opposite, and I would remind Minister Andrews, that it is not just those of us today but it is those of us over time as well who would like to see fairness and social justice being delivered to all who have concerns about the way people are treated in the work force. That is why Labor, both in the ACT and federally, is very concerned with the proposed changes. When I say "Labor", I refer to both the political and the industrial arms of the movement. This is not just rhetoric; this is genuine concern for what will come about as a result of these proposed changes, which are still secret, which are still not being shown.

We have, obviously, the WorkChoices rhetoric booklet which has been put out. But that does not put forward, in black and white, what the legislation is. Here we have our Minister for Industrial Relations, every other state minister for industrial relations and every worker in this country being expected to believe the advertising campaign that is out and about by the federal tory government. Quite frankly, I do not trust them. I want to see it in black and white. Until such time as I see it in black in white, I am sorry but I cannot believe that they are not going to try to do the workers over.

MR SESELJA (Molonglo) (4.56): I had not planned to speak on this, but Ms MacDonald has a way of bringing me to my feet. I felt I just had to respond to some of her comments. I am amazed at the extensive quoting of Catholic documents. I wonder what will become the status in the ACT government now of *Rerum novarum*. I look forward to its being incorporated into ACT law. Of course, there is that whole thing about separation of church and state that we are constantly reminded about; so perhaps that will not happen. The obsession with this 115-year-old, turn of the 20th century, document from 1890-something is fascinating to me. It is a bit like the industrial relations system that the Labor Party would like us to go back to. It is about that old.

Ms MacDonald seems obsessed with whether people in this chamber are Catholic or otherwise. I see that as a sort of sectarian attack: if you are Catholic and church leaders say something, you have to do what they say. I do not take orders from anyone as to how I vote in this place. I make decisions based on the merits of a particular policy, proposal or legislation. To suggest that, because a particular church leader—who has been completely misquoted by Karin MacDonald—said something, I should turn around and say, "Oh my goodness! Of course, I'm Catholic; I have to do that" is absolute rubbish. It is a sectarian attack. You certainly would not say that an atheist leader said something and therefore Mr Stanhope, or whoever else, needs to follow it. It is absolute rubbish, it is sectarianism at its worst and it has no place in the debate. Let us debate it on the merits.

You talked about wanting to see things in black and white. There are a few figures that I think are very good in black and white. At the moment the unemployment rate in Canberra is three per cent, and it is 5.1 per cent or 5.2 per cent nationally. They are good figures. In respect of this matter of public importance about how youth will be affected, if you were a young person coming into the job market, when would you rather have been coming in—under the Howard government, when unemployment is around five per cent, or back in about 1991 when the unemployment rate was up around 11 per cent and the youth unemployment rate was hovering around 30 or 40 per cent?

I know young people have done much better under this government, and I am sure they will continue to do much better as these changes take place. Once again, we have heard the line, “We will all be rooned. Mark our words; everything will be bad afterwards.” We heard that in 1996 and it was not true then. We heard it, I think, for the GST. Do you remember the roll back? That was going to be terrible. Had we brought in a broad-based consumption tax, that would have been the end of life as we know it. Life has gone on pretty well. The windfall money for the states and territories has of course been good. It was suggested that it was going to be terrible. That was not true either. You have to take with a grain of salt the Labor Party’s scaremongering on this issue.

We have seen three motions on this issue this week, plus a Greens motion, and they are all the same. They are all saying it is going to be terrible, yet look at the figures. We have five per cent unemployment, interest rates of six or seven per cent and record rates of economic growth. Mr Hargreaves says that we do not have to fix it, we should just stop; the job is done. The governments can all go home; we will leave it all exactly as it is now and never change anything again.

That is what Mr Hargreaves is saying, and that is what the federal Labor Party is saying to us: you made changes in 1995 and we did not like them. We said they were going to be terrible. Now we think they are really good. They are so good that you should not change anything. Don’t go and change anything; we’re done.” That is Mr Hargreaves’s view of government: you have achieved things, you have made changes that the Labor Party opposed which have worked, so we should rest on our laurels and never do anything again. That is not what I expect from government, whether it be the federal government, the ACT government or any other government. Reforms always need to happen. The reform process is never finished. So Mr Hargreaves’s view of the world of just stopping things in 2005 is not going to work and should be dismissed for the silly idea that it is.

Returning to the misquote I mentioned, Ms MacDonald was talking about Cardinal Pell. Mr Mulcahy may have covered some of this but I want to re-emphasise the point. Cardinal Pell was quoted as being against this legislation and saying how terrible it is. I watched him on television recently when he was at the press club. When asked a question about the changes he said that he did have concerns about some things but that these were matters of prudential judgment for governments. He said that he was sceptical in 1995 when there were workplace changes. He thought they would be bad but he had been quite surprised by how successful they had been—and how the market has responded and actually raised living standards for people.

He was not as critical as Ms MacDonald would have us believe. He was of course raising some concerns but he was saying that to some extent he would give them the benefit of the doubt. Last time he had concerns but actually it was not bad; it was actually good, and things worked out better. So maybe, instead of misquoting church leaders or telling us that because it is in *Rerum novarum* or because there are a couple of church leaders who are against it, we have to somehow take orders from them or do exactly as they say. Church leaders have a legitimate place in all aspects of public debate. I do not begrudge them being able to say that and add to this debate. But to suggest that, because church leaders are against something, it is therefore bad policy is flat out wrong.

I think. It has been suggested that because some church leaders have raised concerns, you should not be able to do it and that, if you happen to be Catholic and a Catholic leader has said something about it, you cannot do anything. That is absolute rubbish; it is sectarianism at its worst. I would ask that Ms MacDonald and the other people in the Labor Party stop scaremongering and debate it on the issues. Do not sit there misquoting people and throwing out things about Catholicism and saying that we will all be ruined. Maybe have a legitimate debate and have a look at the numbers.

You have talked about things being in black and white. Have a look at five per cent unemployment, seven per cent interest rates and record levels of economic growth—they are all in black and white—over the past nine years. I would counsel Ms MacDonald and her colleagues to look rationally at those matters, rather than having the hysteria we have seen from the ACTU, from the federal Labor Party and from the ACT government.

MR SPEAKER: The time for discussion has now expired.

Dangerous Substances (Asbestos) Amendment Bill 2005 (No 2)

Debate resumed from 22 September 2005, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (5.04): The bill deletes sections 47K and 47L of the act to prevent them from becoming effective on their scheduled commencement date of 16 January 2006. As it stands, section 47K requires an owner or occupier of a building to find out if there is any asbestos in that building and, if so, where it is and its condition before engaging in any high-risk activities such as renovations or demolition. That section was due to commence on 16 January 2006. Section 47L requires a person selling a property to obtain an asbestos survey report and make that report available to prospective buyers. It was also due to commence on 16 January 2006.

Omitting sections 47K and 47L prevents them from commencing. The amendments to this bill arise from the report of the ACT Asbestos Taskforce. That task force has recommended that the commencement of sections 47K and 47L be deferred to a date later than January 2006 to allow time for adequate review of its whole range of recommendations—of which there are 25—on asbestos.

As we heard in the then acting minister's speech, the government has generally accepted the recommendations of the task force but has gone further, by repealing sections 47K

and 47L, rather than deferring their implementation. I am pleased to say the opposition supports that move. It shows a sensible solution to the matter before us. The task force found that there are many problems with asbestos management which go far beyond reporting the presence of asbestos and providing reports. Some of the shortcomings the report cited were insurance for asbestos-related work being limited, and being a major constraint for any long-term management system. I am advised that, globally, asbestos is the largest single area of insurance liability.

In relation to section 47J, people surveyed by the task force were concerned with a number of matters, including the fact that it would lead to the provision of inconsistent advice, because some people have quite extensive knowledge about where asbestos can be found within their premises, while others have none. There was also concern that providing signed written advice may attract an inappropriate degree of liability in cases where there is not certainty as to the presence of asbestos within the premises. Finally, because of the limited asbestos insurance cover available, a major constraint is placed on management practices.

The obligations for asbestos management have fallen predominantly on property owners, especially in the residential sector. The government would require significant resources to ensure that sections 47K and 47L were being adhered to at every transaction point as required. There is a high likelihood that the regime would not result in the most effective cost-benefit outcomes. The cost generated by the obtaining of an asbestos report for every premises within the ACT would not be likely to yield a corresponding benefit in the context of improved management practices. Those resources would be better used in a more targeted way.

I am also aware that there is a shortage of competent asbestos assessors to service the new laws. Of course the long latency period of asbestos-related diseases, which is 15 to 40 years, results in potential for complacency. Community awareness dissipates if it is not continually reinforced. General community awareness, though, does not translate into special knowledge of safe management practices. A “she’ll be right” attitude exists within some sectors of the building industry trades and among some home renovators, although I think we are making progress as far as greater appreciation of safety practices is concerned.

There are many hundreds of items that contain asbestos in different locations, with a wide variety of uses. They are very difficult to identify visually. Asbestos has even been found within parts of cars and so forth in the past. The new asbestos laws have been only partially effective. Asbestos advice laws, which commenced on 4 April 2005—section 47J—have contributed to high levels of asbestos awareness but have not been consistently effective in providing protection and reliable advice. There is community support for measures to provide advice to purchasers and tenants of properties, but more effective ways must be found for providing general advice to home owners, purchasers and tenants. The task force concluded that the way ahead was in changed behaviour, better management, the setting of standards, much higher levels of awareness and much better training. Accordingly, the task force recommends a revised model for long-term asbestos management. The key elements are as follows:

- targeted education and training for at-risk groups, particularly trade groups and do-it-yourself home renovators;

- mandatory training for tradespeople who are likely to handle asbestos as part of their everyday work;
- a regime of asbestos survey reports, registers and management plans for all non-residential premises constructed before 2003, to be progressively implemented;
- a licensing and training regime for asbestos surveyors and assessors;
- a requirement for mandatory generic “asbestos advice” forms at key transaction points in the residential sector—building approval, sale and tenancy; and
- a requirement for the preparation of asbestos work plans, via the approval process or in industry standards and codes of practice, prior to renovation activities in residential buildings constructed before 1984.

Finally, it is proposed that there be a five-year implementation plan and a review. I believe it is likely that the approach proposed by the task force will address the practical difficulties that exist in maintaining an available pool of sufficiently qualified asbestos assessors to meet demand for asbestos survey reports. A more targeted, results oriented regime will also ensure that a greater cost-benefit balance is achieved in directing resources towards the most effective points of education and behaviour change.

It is noted by the task force that, if the act were to go ahead without substantial amendment, there would be insufficient competent asbestos assessors in the ACT to supply the required reports in time for the commencement of the act’s provisions. There are 2,500 properties for sale in the ACT at any time, so the magnitude of the problem is evident. It is likely that many owners and sellers undertaking high-risk activities would have been unable to obtain the required reports by 16 January 2006. While new service providers are likely to appear in the market, I concur with the task force’s concerns about the need to establish minimum standards of competency for asbestos assessors. Devising and applying such standards takes time and would not have been done properly if they had been rushed through to commence on 16 January next year.

In conclusion, I would like to again thank the minister and her office for the manner in which they brief us on matters of this nature. I think that ensures that, on non-contentious issues, we are able to progress legislation in a constructive fashion. The opposition therefore supports this bill.

DR FOSKEY (Molonglo) (5.12): I will also be supporting this bill. This bill is a device to remove requirements for the issuing of asbestos reports and imposing a legal liability on owners and residents to identify the location of materials containing asbestos material. The requirements were due to come into force early next year. The asbestos task force report recommended the withdrawal of these provisions and their replacement with something quite different and, the report argued, more achievable.

I think it is worth recapping briefly on the process that led to the creation of the scheme to deal with asbestos in the ACT government’s Dangerous Substances Act. In essence, there was a concerted lobbying process led by people who had suffered from asbestos-related diseases and their families, looking for governments to establish a regime that alerted others to the dangers of materials containing asbestos.

A number of approaches were suggested, including point-of sale certification. The final result of the negotiated legislation at the end of the last term of the Assembly was that, until the asbestos task force came up with better options, the onus would fall on property owners and residents to advise builders and prospective buyers of the inherent dangers in their buildings. I still believe there are attractions in such an approach but I acknowledge that there would be a number of legal, financial and logistical difficulties if we were to follow through immediately in that way. So I am prepared to support the government's subsequent strategy of establishing an asbestos task force to analyse both the extent of materials containing asbestos in ACT buildings and the likely most effective and achievable strategies to alert owners, residents and workers to the risks they face.

Having accepted that process and much of the analysis, I accept that existing sections 47K and 47L, which require property owners or residents to arrange formal inspections of their properties and furnish asbestos reports to construction workers when high-risk activity is likely to be pursued—or to prospective purchasers or tenants when properties are put on the market for sale or rent—create as many problems as they address. The key problem is one of ascertaining exactly what can be determined about the level or location of asbestos, or materials containing asbestos, in a property and what it is reasonable to be required to advise others.

The mechanism proposed through the legislation was that buildings likely to contain these materials would need to be tested. It would appear that there are substantial difficulties in getting hold of enough capable people to do the testing, being able to determine clearly exactly what should and should not be tested and ensuring they have insurance cover for that work. Perhaps more importantly, the task force has found that such an approach would necessarily pick up all the people most at risk—chiefly construction workers and do-it-yourself home renovators—at a time when they need the information and awareness. I certainly accept the point that more work needs to be done, and that the existing provisions which this bill repeals would not serve the purpose in the current situation.

In commenting on the issues raised by the scrutiny of bills committee in the first instance, I am pleased that the issue of a person's right to a healthy environment is becoming part of the human rights dialogue of law-making in the ACT Assembly. I understand, from this task force report and from subsequent comments by the minister, that the issue of ensuring, as far as possible, that people can enjoy an environment free of asbestos underpins both the original legislation and the proposed new framework.

If this legislation were not amended as proposed by this bill, I would be concerned that the outcome would be the reverse of what is intended. Until a more resilient framework for identifying and making people aware of MCAs is established it is likely to muddy the waters to simply make owners and occupiers liable for providing or not providing an unknown raft of information. The real test for this legislation will be early next year when the new framework is introduced.

I would like to make it clear that I will be keeping a close eye on this legislation, as I still hold the position that some duty of disclosure needs to be imposed on residents and owners, and some systematised record kept of the location of these products and materials in houses and other buildings. Finally, I trust that the ACT government has

kept in touch with the various asbestos disease interest groups. The ACT is quite sophisticated in its response to these problems but it needs to be sure it works along with those who have been adversely affected by this insidious material.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (5.18), in reply: Mr Speaker, this bill will repeal sections 47K and 47L of the Dangerous Substances (Asbestos) Amendment Act 2004 prior to their scheduled commencement on 16 January 2006.

Section 47K of the act requires that an asbestos survey report be obtained when high-risk activities are being undertaken. Section 47L requires that asbestos survey reports be obtained for properties listed for sale. Members may recall that, in light of research undertaken by the ACT Asbestos Taskforce through the extent and impact survey and research of national and international best practice management models, the task force report on asbestos management in the ACT proposed new management regimes for the residential sector, including do-it-yourself renovators, the non-residential sector and trade groups, including the asbestos industry.

This research, in conjunction with extensive community consultation, raised a number of issues that would affect the implementation and effectiveness of sections 47K and 47L. These included, among other things, the limited availability of asbestos assessors and surveyors to prepare asbestos survey reports; the relative high cost to home owners of asbestos reports, and the potential impact on property market valuations for buildings containing asbestos. While the original legislation was well intended, the territory had no real benchmark to measure how the legislation would work in practice. As a result of the wide-ranging consultation and research undertaken by the task force, I believe we have a far more balanced, practical and effective approach to asbestos management and awareness training in the ACT.

In conclusion, the bill will provide time to implement the agreed outcomes of the task force report and ensure there is no confusion in the community about our intentions for the future management of asbestos in the ACT. I look forward to presenting a new legislative package to implement the proposed asbestos management reforms to this Assembly during the Autumn 2006 sitting. I would like to thank members of the asbestos task force for their work, the officers that support the task force, as it remains, and the officers of the CMD for putting together advice and the amendment bill we are debating today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Affordable housing Report

Debate resumed from 30 June 2005, on motion by **Mr Hargreaves**:

That the Assembly takes note of the paper.

MRS BURKE (Molonglo) (5.21): The minister will no doubt be interested in responding today by announcing the amount of money that has been poured into affordable housing since he took over the position of housing minister. However, I suspect that some within the social housing sector will not be entirely convinced by the capital injections into the construction of adaptable and responsive housing options that will, for some time into the future, meet the perceived needs of the core clientele of social housing and emergency accommodation.

There are some innovative and responsive programs outlined in the report we are debating today. The government is trying to come to terms with some very needy sectors such as housing for the aged, student accommodation, Aboriginal and Torres Strait Islander housing, and assisting with housing options for people with disabilities. I hope to hear from the minister today about the rebuilding of public housing properties at Pierces Creek, Stromlo and Uriarra. Pierces Creek of course is of most interest to me—and the families waiting to return to the settlement.

We may well be convinced that social growth is entirely reliant on economic growth. It is not. Real growth in a society is also dependent on how we protect and nurture our most disadvantaged, socially isolated or marginalized people. There is an army of community and social service organisations in the ACT to assist and guide people in times of greatest need. It is this sector that is deserving of the most government assistance and financial support. It is a sector that forms the backbone of any society and provides us all with a very positive—or negative—insight into how we value a solid welfare safety net. A large proportion of their workload is centred on housing issues. One would say a fair proportion of that workload could be eased with effective and coordinated government support that follows through on political commitments.

I was pleased to hear the minister giving the Assembly an update on the Currong apartments, Fraser Court and former Burnie Court sites. However, disappointingly to me, it seems that these projects are being timed as election sweeteners with no great urgency to expedite construction and put roofs over people's heads. It is here that one surely must ask, therefore, about the spending priorities of the current ACT government and whether they should expend disproportionate amounts of public money subsidising some unique and often obscure cultural activities or other events that might seek further support from, say, the private sector. We must question some of the pet ministerial projects, purely designed for ministers to leave their own legacies—such as an arboretum—which has cost the ACT taxpayers some \$12 million so far. Just think what the community services and housing sectors could do with that money.

Although much of the government's plans point to an apparent commitment to social inclusion, fiscal priorities are still not being directly targeted towards realistically eradicating social disadvantage and other problems associated with allocating the right

balance of affordable housing options for Canberra's most needy. No doubt there needs to be a balance of maintaining what is good for the majority, but it should not be forgotten that some programs should be funded ahead of the grandiose ones in order to realise the long-term social and community benefits for all in the ACT. This can only be supported further when the ACT government, which has led all Canberrans to believe in an election commitment in 2004 of \$30 million over three years for capital injection into social housing, can no longer fulfil its primary role of serving the community by making inroads into the eradication of social disadvantage in Canberra.

At this point in the fiscal cycle, when the ACT government is not faced with positive economic times, it elects to shift focus away from the duty to maintain sound social services and, as I have said, commits funds to a project such as an arboretum. What lies ahead? I support the minister's intentions to do what is fiscally possible in addressing the balance between funding social housing options and, at the same time, facing the quandary of attempting to cool off the problem of higher rents and house prices in the private market.

I again urge the minister to continue to lobby the Treasurer and the planning minister to work with him on this critical matter. Planning mechanisms, land supply strategies and shared equity schemes may well be the crucial components that will assist the ACT government in meeting obligations with the federal government. Naturally, these should be well under way to attract more first home buyers who are capable of independently entering the housing market. I support the minister's calls for further federal government input into this area, as it seems that, as a small jurisdiction, the ACT is faced with extra fiscal challenges that simply cannot be met by our limited revenue base.

I have personally had many discussions over the past year with Senator Kay Patterson and her staff on a whole range of housing issues, not the least of which was a suggestion to move towards a more nationally consistent policy approach to housing. I believe this is a logical and practical step to take. To bolster this point, it is a quite sensible request by the ACT government—I note that at page 48 of the report—to see placed back on the national agenda the development of a national housing policy, envisaging a united and bipartisan effort by all levels of government to improve housing affordability right across Australia.

There is no doubt that the minister and I will have ideological differences on issues of tenure, debt management, eligibility requirements for social housing and the distinct need for a more rapid response to crisis and emergency accommodation, to meet the needs of the homeless and those escaping domestic violence and other social problems. However, I signify quite clearly that we share common ground in the aim of combating homelessness and the debilitating effect of poverty associated with it.

In a city-state such as ours there is a real opportunity to see effective breakthroughs occurring as we see government, community organisations and the business sector become far more comfortable with sharing the load and resources to promote shared responsibility as the key to providing solutions to, and tackling the issue of, housing affordability and the social problems associated with that. It is pleasing to see that under the commonwealth-state housing agreement. I encourage and applaud the efforts of the government to date, although I would say get a wriggle on, to make sure we get these things nailed a bit quicker, in relation to working with the private sector.

We have recently heard that the ACT is one of the most affluent societies in Australia. Add to this the fact that we have the highest proportion of public housing of any state or territory in Australia of some 8.6 per cent—in fact twice the national average of 4.5 per cent. I hope the minister continues to ask himself what is going wrong and why we have a housing system in crisis. I appreciate the minister's announcement today about the summit. I look forward to that and hope I will be invited along to it, to enable me to take a very bipartisan approach and work with the community to effect some positive outcomes.

Rather than playing ping-pong across this chamber and with people's lives, we need to make some hard decisions about where money is spent in the future. And we need to make sure we have strong access criteria for people going into public housing. I have no qualms about that and I stand on that: we need to make sure that people who have to access public housing have that access. We need to make sure that we look at all options to make sure people move through, and that they have entry and exit points to the public housing sector. This will ensure that those most in need—those most vulnerable—can access housing in times of need.

I thank the minister for this comprehensive report, and thank her staff for putting the report together. I look forward to further reports. As I have always said, I again extend an offer across the chamber to work with the minister on some good outcomes for the future.

DR FOSKEY (Molonglo) (5.30): I wish I had Mrs Burke's 15 minutes, because I have truncated my speech hugely. I will have to gallop through it, but bear with me as you can read it later.

First of all, it is important that I put on the record yet again that I am a public housing tenant, though I know I do not have to ask for permission to speak in this instance.

In Anti-Poverty Week, it is timely to be looking at housing, since the cost of housing is one of the biggest factors, along with lack of access to reasonably well paid work, exacerbating poverty in the ACT. Consequently, my thanks go to the government for bringing on this item for debate in this sitting week.

The ACT Greens' analysis of the report on progress with affordable housing in the ACT shows that, sadly, there is little evidence of an improvement in housing affordability over the past four years. We believe that this results from the government's failure to take action in response to key recommendations made by the affordable housing task force in its 2000 report on strategies for action.

I would like now to summarise the lack of ACT government progress against the seven key strategies identified by the task force. The first strategy was the development of social housing. The growth in public housing appears to have been small, as the number of dwellings increased by just 1.6 per cent from 2002-03 to 2004-05. In real terms, there has been a decline in the number of new tenants housed in public housing each year since 2002. Of course, the government has failed to deliver on an election promise to increase funding to public housing by \$10 million per year and has not taken action to provide subsidised land for social housing providers.

The secondly strategy was about encouraging partnerships. The use of public-private partnerships has been limited. There is also a lack of clarity about how these partnerships are negotiated to ensure that the benefit to the community warrants public investment. The third was about improving access to private rental housing. The only ACT government initiative in this area is the rental bonds housing assistance program that has assisted 111 people since it was introduced in July 2003.

The fourth strategy was about support for home ownership. The primary mechanism for supporting home ownership in the ACT has been the home buyer concession scheme, which has not been subject to any cost-benefit analysis. The only other initiative has been the moderate income land ballot, which has had a poor uptake and provides limited benefits to purchasers.

The fifth strategy was about use of the planning system. There has been little progress against planning system recommendations since 2002. In particular, the commitment in the social plan to introduce inclusionary zoning has not been implemented, despite considerable effort by the Greens to bring it about. The sixth was about raising awareness. The report contains no evidence of enhanced community or industry awareness in relation to affordable housing. The final strategy concerned aspects of implementation. The ACT government has failed to deliver commitments made in its response to the strategies in action report, including a commitment to consider making a housing statement part of the 2004-05 budget.

Apart from these specific strategies, the progress report makes a number of assertions that are without basis and may be deliberately misleading. For example, the report suggests that there has been a decrease in housing stress since 2002. However, this contradicts the views that community groups have provided to government in submissions and public forums, which indicate that housing stress is increasing rather than decreasing.

A national survey of community service organisations conducted by ACOSS in late 2003 found that housing service providers reported an increase in the number of people seeking assistance, being assisted, and receiving assistance due to lack of service capacity. Furthermore, the Australian Bureau of Statistics recently released the results of the 2003-04 household expenditure study, suggesting that housing costs have increased more than household income. This data could be used to estimate levels of housing stress in the ACT if the ACT government chose to commission such an analysis.

The progress report also fails to mention that the government made a clear commitment to release an implementation plan to accompany its final response to the recommendations of the affordable housing task force, following the negotiation on the commonwealth-state housing agreement in 2003. Two years after that agreement was signed, no implementation plan has been developed and the government has resisted calls from community groups and the ACT Greens to produce one.

This report, along with other progress reports produced by this government, is no substitute for a properly constructed implementation plan to guide and coordinate activity across multiple government and non-government agencies. Progress reports continually refer to the future strategies in affordable housing but provide no clear

commitments, no evidence of how the government intends to bring together stakeholders to progress key initiatives, no time frames and no mechanism for review. By contrast, the appendix to this report identifies that many other Australian jurisdictions have developed strategic plans or frameworks to provide a coherent approach to promoting and supporting affordable housing.

The progress report touches on affordable housing initiatives for specific target groups, but largely repeats initiatives already mentioned in previous sections. It fails to recognise housing difficulties experienced by families with people with a disability. Access to supported accommodation for people with a disability has been identified as a national priority area of unmet need and there are difficulties for people who live in privately owned or rented housing who need home modifications and cannot afford them.

There is mention of an ACT Aboriginal and Torres Strait Islander housing plan 2004-05, which has five goals, but there is no description of progress or achievements from this plan. There is also mention of a joint initiative with ATSI, but no details as to how the funding was distributed and whether it was used to fund initiatives listed as ACT government initiatives.

The need for more affordable housing for people with mental health issues also gets scant treatment in the progress report. This has been raised as a priority need in evidence provided to the 2005-06 budget estimates committee. This is a disappointing report that contains out-of-date data and excludes relevant data contradicting some of the government's assertions. There is little evidence of any real improvement in affordable housing in the ACT since 2002.

As a result of the poor status of housing affordability in the ACT, the ACT Greens have developed their own recommendations. Firstly, the ACT needs an affordable housing plan or strategy to clearly establish targets and time frames for action to be taken across government agencies in partnership with the community and private sectors. We urge the government to develop transparent indicators for measuring affordable housing in the ACT. We call on the government to develop a long-term financing strategy for social housing and substantially increase funding for public and community housing in the 2005-06 budget.

Fourthly, we question the assertion that there is an adequate supply of public housing in the ACT and we call on the ACT government to increase supply through additional investment. Fifthly, the ACT Greens support more investment in energy and water efficiency in public and community housing. Sixthly, we call on the government to address delays in the release of land for community housing initiatives and ensure that in future there is a coordinated process for allocating both land and funding for such projects.

Seventhly, the Greens contend that increasing the supply of affordable housing will both reduce the incidence of housing crisis and provide more exit options from SAAP, thus reducing homelessness. We urge the government to take action to facilitate progress on shared equity schemes to support home ownership amongst low to moderate income earners. We believe that all investment in affordable housing strategies should be subject to a cost-benefit analysis.

I think that the ACT government would agree in principle with many of our recommendations, but the government's unwillingness to implement or at least seriously investigate these recommendations prevents it from truly engaging in a strategy that could help in the elimination of the current housing crisis.

We now need to develop an affordable housing plan or strategy and I would like a response from the government as to when one will be released. I am happy to offer the minister a copy of our analysis of the progress report, which is much more detailed than this speech can be. It provides references and case histories.

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

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.40), in reply: Mr Speaker, I would be delighted to receive a copy of that analysis from the good Dr Foskey, and here she is trotting across the chamber to present it to me with some fanfare. However, I do hope that this report has contained within it some academic rigor. I would hope that it does, because I am aware of the reputation of the good Dr Foskey. However, her analysis in her speech of the government's progress report on affordable housing was, in general, simplistic, disingenuous, factually incorrect and lacking evidence to support her claims. I do not have much else to say about that.

Declining housing affordability is a national issue. Responsibility for affordable housing is held jointly with the Australian government. Work is under way on this important issue at a national level. The ACT government achieved growth in public housing from 2002-03 to 2004-05 despite a continuing decline, in real terms, in funding received from the Australian government under the commonwealth-state housing agreement.

Dr Foskey states that there has been a decline each year since 2002 in the number of new tenants housed in public housing. However, she fails to acknowledge that the total number of people housed in public housing has increased since 2002. Furthermore, Dr Foskey fails to acknowledge that the ACT has one of the highest levels of public housing in Australia.

The decline in the number of new tenants housed reflects the success of the ACT government's measures to sustain tenancies and break the cycle of homelessness. If Dr Foskey would like to see more new tenants housed each year, the government would be required to resort to evicting more tenants, including those who pay full market rent for their property. That is contrary to Dr Foskey's policy, and indeed the government's policy, of security of tenure and sustainable tenancies in public housing.

Dr Foskey argues that the ACT government's progress report on affordable housing makes a number of assertions that are without basis and are deliberately misleading. The report did not, as Dr Foskey claims, suggest that there has been a decrease in housing stress in the ACT since 2002. The report explicitly states that it will not be possible to quantify the number of ACT households in housing stress until the next census is undertaken in 2006.

Dr Foskey also claims that the report contains data that is out of date. At the time of writing, the report contained the latest data available. The Real Estate Institute of Australia figures for the March quarter 2005 were not released until late June, just days before the completed report was due to be tabled in the Assembly. This government and, I am sure, the opposition are not skilled in gazing into the bottom of teacups. It would appear, though, we are talking about Green tea.

Dr Foskey suggests that the report fails to recognise the housing difficulties experienced by people with a disability and people with mental health issues. That is simply incorrect. These groups are routinely assisted through the ACT government's focus on allocating public housing to those most in need. A large number of people on the highest priority list for public housing, early allocations category 1, have mental health issues and a range of other complex needs. It is misleading to suggest that only issues of affordability place such people in housing needs.

Mr Speaker, just as an aside on the notion that we have abandoned people with a disability, in the past two years \$3 million was expended and we modified 910 homes; that is, one in 12 of the properties in the stock was modified for people with a disability. I do not call that abandoning people with a disability.

Mrs Burke: What about private sector people giving a hand.

MR HARGREAVES: The accusation levelled at the government is that it is letting people down in public housing, a notion I reject. Also, there is the accusation that we are not doing anything about mental health issues. We have specialist housing managers who have pathways and gateways for people so that we actually look at people's tenancies as being sustainable in a holistic approach to their lives. We bring to bear the fruits of the partnerships between Mental Health ACT and some of the non-government sector experts in mental health issues, along with things such as debt management and a whole range of personal education activities, including immunisation for babies and nutrition, to assist the tenants within the public housing stock.

Do I see any of that in the private sector? The short answer is no, Mr Speaker. Do I see the private rental sector modifying eight per cent of its stock to suit disabled people? No, I do not. Recently, we opened at Freycinet on the Burnie Court site 24 units of adaptable housing to allow people to age in place. They will be available for adapting when people become frailer. We have those programs and I have to say that I reject the notion that we are abandoning those people.

We have also to understand that roughly \$2 million was made available in the last two years to some non-government organisations to provide disability-specific accommodation. Some people disagree with the Abbeyfield disability system and some people do not. Claims that we are not providing resources to that sector are to be rejected. The fact that we have allocated almost \$1 million to Centacare to provide five properties for that sector is also some measure of the discharge of our responsibilities.

I do not say that we are doing everything spot on, as we are not, but we are doing a heck of a lot more these days than has ever been done before. We have the runs on the board. This affordable housing report is about a point in time—it is work in progress, if you

like—and it will lead us on. I officially opened the poverty-proofing forum the other day. It is, if you like, another audit mark midway to show whether we are going the right way and what are the causes of poverty. I would suggest to you that homelessness is a result of it, not a cause of it, but we need to consider all of these things in the context of what we are doing as a socially responsible government and, indeed, a socially responsible parliament.

Mr Speaker, I announced earlier that we will be having a housing summit. We will be inviting stacks of people, as best we can, and we will be putting advertisements in the paper. We want anybody who has a contribution to make to this summit to come and say to us where we should be going from here. We will give credit where it is due and we will do the fessing up where it is due, but I want a positive outcome from that and I want the community and the experts to tell us together where we should be going, where we should be directing our energies.

I would have thought that, instead of bagging this report on the progress of affordable housing, Dr Foskey may very well have taken the lead from Mrs Burke, who has said, “Good on you. It is a good thing. At the moment there are some warts around that need to be addressed, but essentially the direction is right and we can argue over the detail.” I have no problems at all with that, but all I have seen from the Greens is what I perceive to be, given some of the language that was used here, a beautiful piece of work which is not particularly well constructed academically and which seems to have been plagiarised from a cup of tea session involving ACT Shelter and ACOSS. I will bet my money, any amount of it, that this stuff is, in fact, straight out of ACT Shelter’s manifesto. I congratulate them for their contribution to the sector, but sometimes former Green members in this town ought to realise they are former Green members.

Question resolved in the affirmative.

Distinguished visitor

MR SPEAKER: I acknowledge the presence in the gallery of Ms Roslyn Dundas, a former member of this place.

Personal explanation

DR FOSKEY (Molonglo): Mr Speaker, I wish to make a personal explanation under the appropriate standing order.

MR SPEAKER: Do you claim to have been misrepresented, Dr Foskey?

DR FOSKEY: Yes.

MR SPEAKER: Please proceed.

DR FOSKEY: I am not sure whether ACT Shelter handed Mr Hargreaves their analysis of the report, but I can assure you that—

MR SPEAKER: Dr Foskey, you have to stick to the personal side of it. It is not an issue

about ACT Shelter. You have been granted permission to make a personal explanation, not an explanation on behalf of another organisation.

DR FOSKEY: My personal explanation is that my speech was derived from a statement written by a member of my staff and there was no input from any other source, though it was, of course, given to ACT Shelter as they gave us a copy of their analysis.

Adjournment

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

That the Assembly do now adjourn.

Bushfire memorial

MR GENTLEMAN (Brindabella) (5.52): I rise tonight to talk about the weekend of 9 October 2005. Although that weekend for me will still have some terrible memories due to issues we have discussed in the Assembly over the last few days, there was a happier occasion, and I would like to talk about that tonight.

I was invited to the unveiling of the Mount Taylor story tree on Sunday, 9 October. We all remember the devastation of the 2003 bushfires; it will remain in our minds for many years to come. But the residents of the Mount Taylor Estate decided to construct a memorial to the bushfires. The residents of the Mount Taylor Estate were the worst affected in the suburb of Kambah: 12 houses were completely destroyed by the fires. In the wake of such blistering crisis, the residents formed the Mount Taylor Estate Residents Association. They, in particular Mr Mark O'Neil, decided to build a memorial to commemorate the event and assist with the healing process.

The lone tree standing in the middle of the devastation was chosen as the focal point for the memorial. Over a year after the decision to build a memorial, and after some seven months of carving the memorial, a smoking ceremony saw the unveiling of the story tree. The story tree is a remarkable memorial and is testimony to the courage and bonding of the residents of the Mount Taylor Estate. Arising from a mere suggestion, the story tree has become a major focal point for the community in its recovery from the firestorm that rocked the ACT.

The carving was created by well-known woodcarver Bryan Carrick and his pride of volunteers and is on target to be one of the biggest works of its kind in the Southern Hemisphere. The masterpiece was also well supported by the ACT government, with a grant from artsACT of \$14,000, as well as by many supporters who, as Bryan acknowledged, brought him many cups of hot coffee during those cold days. It was wonderful to see their lives depicted so realistically on the story tree.

This evocative carving is breathtaking, and during the unveiling I had a great chance to view it in all its glory. The bright colours, intricate carvings and detailed three-dimensional scenery are reminders of just how devastating the fires were. The carvings depict the various evolutionary stages that the tree has stood by, from the early indigenous inhabitants through to farming and suburban development and, of course, the

firestorm. From scenes of Aborigines lighting controlled burns through to a bullock dray, farmhouses and a burnt-out car, you are released from now and lost in time.

Some people, like Bevan and Enid Turnbull, who were the first to rebuild, lost everything, and Jo and Greg Matthews lost all but their clothesline full of clothes. The story tree vividly reflects these and many other anecdotes of the scars that were left by the fires, and yet it has brought the community closer together. This is in no small part due to the efforts of one of the more vocal members of the Mount Taylor Estate, Mr Mark O'Neil, whom I have mentioned already tonight. Mark has been an amazing support for the members of this small community and has been the first to offer support to others affected by the fires.

At the unveiling of the story tree on that Sunday, my colleague Minister Hargreaves also gave a moving and true tribute to Mr O'Neil. I was honoured, as I am sure were the others in the crowd, including Chief Police Officer Audrey Fagan, the head of our Emergency Services Authority, Peter Dunn, as well as firefighters and our SES volunteers, to have been invited to be part of this event, and I look forward to being kept abreast of the continuing efforts and to even more significant carvings of the tree.

SIEV X anniversary Mental health

DR FOSKEY (Molonglo) (5.56): I want to acknowledge that yesterday was the anniversary of the sinking of an unidentified vessel known as SIEV X and to alert members to an exhibition on at the moment at the Uniting Church's Pilgrim House that was launched by Mr Stanhope last night. Mrs Burke and I attended, and there may have been other members that I did not see.

I just want to report that it was a most moving experience to hear one of the survivors of the SIEV X give a most amazingly graphic description of what happened as she struggled to survive for some hours, worried that her son had already drowned. As we know, most of the people on that leaky boat—mostly women and children—did drown. Last night's launch was of the preferred design, which comes from schoolchildren, for a memorial to the survivors of and the people who were lost from the SIEV X. It is hoped that the memorial will be placed on Lake Burley Griffin. The issue at the moment is whether we can get a permanent status for that memorial, which is a work of art as well as a graphic reminder of what happened. So that is something to keep your eye on.

I also want to speak about two places I went to last week. Last week was Mental Health Week and I visited two places that I think are worth a mention here. Often we in the house do not know what goes on in the community sector, particularly amongst people with a mental illness. The two places I am referring to are Warren I'Anson House and the Grow House in Narrabundah. I acknowledge that those are places that provide some brief accommodation for people with a mental illness. They are very important and each has very different groups around it.

Probably many people here will remember the circumstances under which Warren I'Anson House was established following the very sad death of Warren I'Anson. At the moment, the house serves to provide respite in a group setting for people with a mental illness. All of us probably need that social input, but perhaps people with

a mental illness need it more than others. I met and talked to people there and I want to pay my respects to the people who keep that project going.

The Grow House is in Narrabundah. Grow is a 12-step program of mutual help, recovery and personal growth, and a number of people use that house. It provides residence for people over a longer term. Mr Berry was there at the time that I was there and I believe Ms MacDonald had been there the previous day, so this is a place known to people. I want to mention the sense of ownership that that community has around that house and to point out again that people seem to need places where they can meet other people with similar problems so that they can talk and do activities together. It has been identified by the mental health community, carers, consumers and their advocates that we need places where people can spend periods of time and which may keep them out of the more acute end of the psychiatric care and mental health care. These places have a very important function.

Poland

MR STEFANIAK (Ginninderra) (6.01): I rise to mention an event that is going to occur on 11 November. That date is also Armistice Day, of course, but 11 November 1918 marked the beginning of modern Poland, which had been partitioned between Germany, Russia, Austria and Hungary in 1795 and came back on 11 November 1918. It survived between the wars. It was led by a very impressive man called Jozef Pilsudski, who was the father of modern Poland. He was instrumental in its founding on 11 November 1918 and managed to beat a Bolshevik invasion of western Europe in August 1920 led by two very experienced Russian generals, General Tukhachevsky and General Budenny.

Poland was, unfortunately, the first casualty of World War II. I was reading an interesting book the other day that made some mention of the defamation of the Poles. I know a lot of Poles are concerned to see reference made to Polish concentration camps. In fact, of course, they were Nazi concentration camps, where some three million Poles of Jewish extraction, and indeed about another 2½ million Poles of Roman Catholic extraction, were exterminated by the Nazis. Of course, the Soviet Union under Stalin had a bit of a go, too, and exterminated a further 1½ million Poles, most of whom were from eastern Poland and probably would have been of Roman Catholic extraction, although no doubt there were some Poles of Jewish extraction there too.

There were two historic events in World War II. Poland made a magnificent contribution, even though it was squashed flat in about a month. One was the ghetto uprising from March to May of 1943, when the remaining about 50,000 mainly Polish Jews in the ghetto rose up against their Nazi oppressors and held them at bay for some two months. That was an absolutely inspiring and epic struggle. It was closely followed only a year later, on 1 August, by another two-month heroic struggle when the Polish home army rose up and threw the Germans out. The Russians were on the banks of the Vistula and were going to encourage the Poles to rise up—to get rid of anti-Soviet elements as much as anything. The Russian troops sat back under Stalin's orders; some of them bravely tried to cross to help the Poles but were either shot by the Germans or by the NKVD for their actions there. After two months of an incredibly brave but ultimately futile effort by the Poles, a number of German divisions and squadrons of Stukas managed to smash most of Warsaw flat and finally stopped that revolt.

A number of RAAF pilots took part in that revolt, flying in supplies from Italy, and a number of them lost their lives. A memorial was opened only last year along the Federal Highway, out near the border, commemorating those very brave Australian airmen, some of whom are still alive and living in Canberra.

Of course, after the war, Poland became part of the Eastern bloc and until 1978, apart from a few struggles against the oppressive regime and the Russians, it remained part of it. In 1978, Pope John Paul became pope. Solidarity was inspired by that and other things and was founded by Lech Walesa in 1980. Finally, in 1989, probably as a result of those efforts, the Eastern bloc crumbled. Eastern Europe—though perhaps not so much the old Soviet Union—is certainly much better off today, and hopefully in the not too distant future the people of Russia, too, will be better off.

Poland has always been a fairly heroic country and often has been conquered by its larger neighbours. This little book makes note of the fact that, unlike every other country occupied by the Germans with the possible exception of, I think, Denmark, there were no Poles who formed units to assist the Germans. There were no quislings, and even though the Germans tried to involve the Poles in their war against the Russians they were unsuccessful. I remember Marian Domagala, who as a 14-year-old fought in the Polish army. He and his mates used to blow up German trains going to Russia. He said that if he had known what would happen later maybe he would have had second thoughts. But then he said, “No, we were fighting the Germans and that was what we needed to do.” So I send congratulations to everyone of Polish extraction and the people of Poland on 11 November.

Chief Minister

MR PRATT (Brindabella) (6.06): I want to speak about the Chief Minister’s position on the anti-terrorism laws and his breaching of the confidentiality of the legislation. Mr Stanhope loves to detail the journalists, academics and other commentators who have spoken out in support of him. He has run through a list of those, and he is quite entitled to do that. I heard one of Jon’s favourites, Hilary Charlesworth, speaking this morning on ABC radio. She said some things that were quite dangerous in terms of the debate about the need to introduce anti-terrorism laws. She said basically that these laws were simply based on scaremongering. She criticised the federal government’s comments, saying that the federal government’s comment that these are extraordinary times that call for extraordinary measures was “simply a furphy”, and went on to talk about a number of things.

She also criticised the Malaysia-Singapore experience. Of course, they have had anti-terrorism laws in place for a very, very long time. She criticised the approaches of those two states because their laws, which are called emergency acts, had not stopped terrorism. Nobody ever said that such laws, including those laws that we are seeking to bring in here, would ever stop terrorism. The aim is to minimise the threat. Of course, Malaysia and Singapore have had those laws in place since their rather extraordinary circumstances dating back to the last days of the Malayan emergency, which affected the entire South East Asian archipelago, and those laws have indeed worked. So Hilary is quite wrong.

Hilary is clearly a good woman and she is committed to her causes. But I have to say that she is breathtakingly naive. I think she is a classic example of a number of people that we have in that category. Like so many of the civil liberty activists and the academics who have come out and made these sorts of comments, they are all good people; they are all committed to their causes. They do a good thing in terms of talking up civil liberties, but they comment about things they know nothing about.

Mr Hargreaves: What—a professor is?

MR PRATT: The problem is that they do not know much at all about international terrorism and they do not know very much at all about the harsh realities of some of the communities overseas which would seek to bring those sorts of concerns to our shores. The problem with them is that they have very good vocal networks, and because they have those vocal networks their misleading views are, unfortunately, given too much prominence.

Let us look at the other side of the balance sheet, at another writer who, like so many in recent days, has come out and criticised Mr Stanhope particularly. Piers Akerman is a man I do not often agree with—I think some of his views are perhaps a little too simplistic—but, by God, his article in the *Daily Telegraph* of 18 October was a cracker. I will just pull out a couple of interesting comments he made. He said:

Showing once again he is not the best man to have on your side in a firestorm, ACT Chief Minister Jon Stanhope, on whose watch Canberra burnt two summers ago, has abandoned all ethical and security considerations in an attempt to undermine the Federal Government's proposed anti-terrorism legislation.

Having agreed with all other state and territory leaders to respect the confidentiality of the draft anti-terrorism bill while it was under discussion, Mr Stanhope, displaying all the maturity of a wet-behind-the-ears student activist, promptly published the content on his Toy Town government's website, and, in so doing made himself out to be some sort of hero with the immature Left.

Responsible government requires responsible leadership—even more so with the world locked in combat against the most lethal forms of terrorism.

But not from the knee-jerk populist Mr Stanhope. The lessons taught by New York, Bali, Jakarta, Madrid and London have escaped the notice of this former Beazley political staffer.

If security matters cannot be discussed in confidentiality, there is little chance of ever meeting the terrorist threat.

That article says it all about the immaturity of our Chief Minister.

MR SPEAKER: Mr Pratt, I think you made some fairly strong comments about a member of the community. I just draw your attention to the resolution agreed by the Assembly of 4 May 1995 and suggest that you have a read of that.

MR PRATT: Am I to respond, Mr Speaker?

MR SPEAKER: No, I do not want you to respond. This is a resolution of continuing effect that draws attention to the issues surrounding the naming of members of the community who ordinarily are not able to express their views in this place. I just ask you to read the resolution.

MR PRATT: I take note of your observation, Mr Speaker, and I will do that.

Mr Allan MacDonald
Mr Joseph Kuba

MS MacDONALD (Brindabella) (6.12): I had not intended to speak this evening, but I think it would be remiss of me not to and, for my own sake, note that 4 October 2005 had special significance to me and to my family, being the 20th anniversary of the death of my father and also the first anniversary of the death of my sister-in-law's father.

Allan Hutchison MacDonald and Joseph Kuba were both wonderful men in their own communities and I just want to pay tribute to their memory and to the wonderful contributions that they made both to their families and to their society.

I have spoken in this place before about my father. In fact, in my first speech in this place I spoke about my dad, and even after 20 years I still find it difficult to believe that he has gone and not to get emotional about the fact that I cannot have a conversation with him. But it was a very big shock and, I suppose, very strange for me, my brother and my mother that my sister-in-law's father also died on 4 October, 19 years after my father.

My nephew Jacob MacDonald observed, on the first anniversary of Joe's death, that he believes that Joe and Allan have sought each other out and, having both been smokers in their lifetime, which of course was not good for their health, and both having enjoyed a beer, are probably having a smoke and a beer together. I would add to that that, as they both enjoyed fishing, they are probably sitting on the bank of a river having a smoke, a beer and a conversation about politics in former Eastern bloc Europe, Joe being of Czech descent and having escaped the communist then-Czechoslovakia, or in Australia, which was a topic of interest to my father. I just wanted to pay tribute to their memory.

Australian Railway Historical Society
Family relationship centres

MRS BURKE (Molonglo) (6.15): I have two positive things that I hope to end the day on. I will start with the Australian Railway Historical Society, which I believe have written to all members who wrote and lobbied for the society's tenure in Kingston. In the September issue of their magazine they said they were "delighted to advise a positive development in relation to the society's tenure of our Canberra Railway Museum site". They said they were a little nervous and concerned at that time although they expressed gratitude and thanks to the planning minister, Mr Corbell, that "the government now realised the lack of tenure was a serious problem with our Kingston Museum site". They said that there was talk at that stage of their being given "a conditional lease on the site (not a licence) for at least 10 years, and probably 20 years".

Their letter was sent to me and, I understand, to other members. As members will know, I have lobbied quite hard for the ARHS, and I know that you, Mr Speaker, are an avid and keen train buff, as, I think, are Mr Gentleman, Mr Hargreaves and a few others on the other side and this side of the house. The society wrote to members to thank them and said:

I would like to thank the Members of the Legislative Assembly for their assistance in resolving the Canberra Railway Society's tenure at Kingston. Mr Simon Corbell, Minister for Planning, recently confirmed that the Government had decided to grant the Railway Society a conditional lease over the 2½ hectare site for a minimum of 10 years, but probably 20 years.

The letter went on to thank the government and all sides of the house for the bipartisan approach. As I have said many times before, the museum site is a valuable place, and we do not need to lose that as a community. Given the developments of the Kingston foreshore, I still believe there are excellent opportunities to develop it and make it a real community site for a transport museum with other types of transport. I really appreciate what the government have done; it means a great deal to the Australian Railway Historical Society and they are absolutely over the moon. Again, my thanks to the government and for the bipartisan approach.

The second thing I would like to talk about relates to the fact that the federal government have been under the hammer. But, surprise, surprise, they do do some good things, despite what we might hear from government ranks in the states and territories around the country. Canberra will be among the first places to benefit from the government's new family relationship centres, with Attorney-General Philip Ruddock setting aside almost \$1 million over three years for a centre to be established in the capital in the next financial year.

Canberra was one of the first 15 sites selected for the new centres, all of which have gone to areas—and this is where it is a little bit challenging for us as a community—with high numbers of families with young children, divorced or separated families and blended families. I guess this is a community responsibility. We cannot legislate in this place about people's attitudes. We cannot legislate against couples divorcing or splitting up or against the dreadful things that happen in families from time to time. But the centres will be the front door to the new family law system, as an article from the *Canberra Times* dated 14 October states:

As well as the Canberra relationship centre, Mr Ruddock and Family and Community Services Minister Kay Patterson announced that another \$390,000 would be used to set up a new children's contact service in the ACT, providing a safe, neutral venue for the hand-over of children from one parent to another.

It is absolutely critical that parents can feel safe when access to children is given; that partners can feel safe when that handover is happening. It is pretty sad that we have to talk about those sorts of things and pump money into that, but that debate is for another day. The article went on to state:

Requests for applications to run the new ACT centres are to be advertised soon.

Another 28 relationship centres were announced yesterday for regional areas, with a further 22 to be established in major cities. They are to be set up in 2007 and 2008.

Congratulations to the federal government on that and congratulations to the local government on looking after the Australian Railway Historical Society.

'Round town program

MS PORTER (Ginninderra) (6.19): I rise this evening to speak about the highly successful 'round town program that Canberra Urban Parks and Places have been conducting in the community this year. The program commenced in December 2002 with the aim of providing entertainment for the community while promoting the use of our many beautiful parks and public places.

Last year, an estimated 50,000 Canberrans took the opportunity to enjoy 48 free events that were staged over spring, summer and autumn and provided something for all ages. Time does not allow me this evening to list all of those events, but the program is being conducted again this year and was kicked off with a Father's Day party at Weston Park that saw thousands attend and participate in activities such as fishing and games of tug of war, and children making the most of the entertainment for the kids. In addition, the highly regarded local band Annie and the Armadillos played their unique mix of rock, blues and jazz, and, of course, there was a magician.

The Father's Day event was followed by other park parties at Point Hut pond district park in Gordon, Kambah district park, Red Hill park and the Black Mountain peninsula, and last Sunday it was the turn of all of those who live on the north side, at the park in Murranji Street, Hawker. As luck would have it, that is just across the road from me, and I took the opportunity to attend, of course, with my two grandchildren, the eldest of whom was certainly making the most of the face painting and the jumping castle while her parents were able to sit with their friends and be entertained by the local band Blue Skies.

While I moved around the venue, many neighbours approached me enthusiastically and commented about the wonderful opportunity to meet with their fellow residents. Indeed, I was also approached by other families who had come from the surrounding suburbs of Latham, Holt, Scullin, Page and Higgins, and even from Gungahlin, all of whom were anxious to tell me what a wonderful initiative the 'round town program was and how the government should be congratulated for creating this community-building opportunity.

Events such as this create an opportunity that is all too infrequent these days. Many of us are time poor, yet last Sunday I, along with hundreds of others, had the opportunity to meet in a relaxed, family-friendly environment. But, of course, one does really worry about how many of our Sundays will remain a day of rest after the IR legislation is introduced.

One of those I met last Sunday was Peter Harris, a man I have known for many years through his work with Scouts ACT. He was telling me how these events are a way for him to reconnect with his community after the devastation of the 2003 fires and how valuable he finds these opportunities, reaffirming a real sense of community.

I am pleased to advise the Assembly that yet another of these events will take place next Sunday. This event is the ever popular teddy bears picnic and it will be held at Yarrabi Pond in Gungahlin from 11.00 am to 3.00 pm. As usual, there will be outstanding entertainment for the whole family, which will include one of Canberra's most loved performers, Diane Mason, and, of course, the magician Tricky Nick.

Question resolved in the affirmative

The Assembly adjourned at 6.23 pm until Tuesday, 15 November 2005 at 10.30 am.

Schedules of Amendments

Schedule 1

Criminal Code Harmonisation Bill 2005

Amendments moved by the Attorney-General

1

Schedule 1

Amendment 1.3

Proposed new section 2A

Page 4, line 5

omit

this Act

substitute

this regulation

2

Schedule 1

Amendment 1.115

Proposed new section 14 (6A)

Page 84, line 19

omit

3

Schedule 1

Amendment 1.116

Page 84, line 20

omit

4

Schedule 1

Amendment 1.214

Proposed new section 7 (1), proposed new penalty

Page 144, line 23

insert

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Answers to questions

Hospitals—funding (Question No 467)

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

- (1) What was the level of funding for the paediatric ward at (a) The Canberra Hospital and (b) Calvary Hospital in (i) 2001-02, (ii) 2002-03, (iii) 2003-04 and (iv) 2004-05;
- (2) What are the forecast levels of funding for the paediatric ward at (a) The Canberra Hospital and (b) Calvary Hospital in 2005-06;
- (3) How many beds have been available in the paediatric ward at (a) The Canberra Hospital and (b) Calvary Hospital in (i) 2001-02, (ii) 2002-03, (iii) 2003-04 and (iv) 2004-05;
- (4) How many beds are currently available at the paediatric ward at (a) The Canberra Hospital and (b) Calvary Hospital in 2005-06;
- (5) Does the ACT health system have enough adequately trained staff who are specifically trained in the needs of children and young people;
- (6) On how many occasions in the last 12 month have children been accommodated with adults at (a) The Canberra Hospital and (b) Calvary Hospital.

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

For this reply "paediatric" is defined as a child aged 12 years or less.

- (1) What was the level of funding for the paediatric ward at
 - (a) The Canberra Hospital for

(i)	2001-02	\$4.4M
(ii)	2002-03	\$4.5M
(iii)	2003-04	\$4.2M
(iv)	2004-05	\$4.7M

These figures represent funding for the inpatient and outpatient areas, as they were not split for budget purposes until 2003-04.

- (b) Calvary Hospital for

(i)	2001-02	nil
(ii)	2002-03	nil
(iii)	2003-04	nil
(iv)	2004-05	nil

Calvary Health Care does not have a dedicated paediatric ward. Calvary has an "Age of Admission Policy" which reflects the case mix and specific criteria on services the hospital can provide. At Calvary patients are required to be 13yrs for admission to the general wards. These are considered to be adolescents.

- (2) What are the forecast levels of funding for the paediatric ward at
 - (a) The Canberra Hospital in 2005-06 - \$4.9M (for inpatient and outpatient areas)

(b) Calvary Hospital in 2005-06; - Nil

(3) How many beds have been available in the paediatric ward at

(a) The Canberra Hospital

Average number of beds available in each year was:

(i)	2001-02	64 beds
(ii)	2002-03	64 beds
(iii)	2003-04	64 beds
(iv)	2004-05;	64 beds

(b) Calvary Hospital

- Calvary does not a dedicated paediatric ward.
- Calvary's emergency department has identified 3 beds in the Clinical Decision Unit (CDU) for use of paediatric patients however these are not used exclusively for paediatric patients.
- Day surgery beds only are used for paediatric ENT / ophthalmology patients, who meet strict admission criteria.

(4) How many beds are currently available at the paediatric ward at

(a) The Canberra Hospital in 2005-06;

TCH has 48 paediatric beds available.

With the refurbishment of the Paediatric Area at TCH the previous physical space that would have allowed for there to be 64 beds (spaces) available, has been reduced to 48.

This latter number is still above the number of beds used at any one time.

Whilst capacity prior to the developments was 64 beds there was only an average of 32 in-patients, with a bed occupancy of 49.6%.

The projected bed occupancy for 48 beds is an average of 71% over the year with an average of 87.5% over the winter months.

The staff including paediatricians agreed to a bed number of 48 post refurbishment.

(b) Calvary Hospital in 2005-06

Calvary Hospital does not have a children's ward. Children are being seen in the Emergency Department and if there is a need for admission, they are transferred to The Canberra Hospital.

(5) Does the ACT health system have enough adequately trained staff who are specifically trained in the needs of children and young people?

The ACT health system has enough trained staff for the numbers of children and young people requiring health care in the ACT.

The ACT Health system has a well-qualified work force with a high degree of expertise. At TCH, there are nine paediatricians (four staff specialists and 5 VMOs), three paediatric surgeons (one staff specialist and 2 VMOs) and one paediatric emergency physician.

Services in the subspecialty areas of children with haematological and neurological problems are currently provided by Sydney-based doctors as the critical mass of patients for full-time specialists of this nature is not met in Canberra and it is unlikely that highly trained doctors in these disciplines will find enough work to justify a move to the ACT. Existing Paediatricians at TCH have been encouraged to maintain a special interest in key clinical areas so that there is easy dialogue with the Sydney-based sub-specialists.

The Department of Paediatrics and Child Health is a training hub for doctors entering General Practice and formal training in Paediatric medicine with Royal Australian College of Physicians. The recent retirement of key paediatricians in the private sector in Canberra has put some pressure on the private system and at present there are significant difficulties recruiting to the private practice arena in the ACT.

The recruitment and education of nursing staff with paediatric and adolescent health expertise is ongoing.

(6) On how many occasions in the last 12 months have children been accommodated with adults at (a) The Canberra Hospital and (b) Calvary Hospital.

(a) The Canberra Hospital

There have been no children placed in adult wards at TCH within the last 12 months.

The Emergency Department is the only area at TCH where children have been accommodated with adult patients.

(b) Calvary Hospital

The Emergency Department and Day Surgery Unit are the only area at Calvary Hospital where children have been accommodated with adult patients.

Health—neonatal death rates (Question No 482)

Mr Smyth asked the Minister for Health, upon notice, on 18 August 2005:

- (1) What is the current rate of neonatal death in the ACT and how does that figure compare to (a) the rest of the nation and (b) previous results for the last five years;
- (2) What has the Government done and what is the Government still doing to reduce neonatal death in the ACT.

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

- (1) The current published rate (2003) of neonatal death in the ACT is 3.9 deaths per 1,000 registered live births (95% Confidence Interval: 2.0 – 5.8), where the death occurred within 28 days of birth and the birth weight of the infant was at least 400 grams, or if the birth weight was unknown the infant was (born at) at least 20 weeks gestation.

The table below provides a comparison in neonatal death rates between the ACT and Australia, for the years 1997 – 2003:

Neonatal death, ACT & Australia. 1997 - 2003

Year	ACT					Australia				
	Live births	Neonatal Deaths	High 95% CI	Low 95% CI	ACT Rate	Live births	Neonatal Deaths	High 95% CI	Low 95% CI	Australian Rate
1997	4208	13	4.8	1.4	3.1	251745	805	3.4	3.0	3.2
1998	3982	21	7.5	3.0	5.3	249555	754	3.2	2.8	3.0
1999	4252	13	4.7	1.4	3.1	248839	849	3.6	3.2	3.4
2000	4064	14	5.2	1.6	3.4	249595	773	3.3	2.9	3.1
2001	3938	8	3.4	0.6	2.0	246332	802	3.5	3.0	3.3
2002	4112	11	4.3	1.1	2.7	250963	779	3.3	2.9	3.1
2003	4128	16	5.8	2.0	3.9	251126	732	3.1	2.7	2.9

Note: Rate per 1,000 livebirths.

Source: ABS ACT Deaths Data & ABS Causes of Death (3303.0)

There was no statistically significant difference between the ACT neonatal death rate and the Australian rate of 2.9 per 1,000 registered live births (95% Confidence Intervals: 2.7 – 3.1) in 2003.

In 2003, there were a number of neonatal deaths in the ACT resulting from extremely premature multiple births. These deaths alone account for the difference in rates between the ACT and Australia in 2003, and the difference in rates in the ACT over the last five years.

It should be noted that relatively small fluctuations in the number of deaths each year in the ACT impact markedly on annual rates. Thus, neonatal death rates for the ACT should not be reviewed on an annual basis, but examined over a minimum of five years (the ACT rate for the period 1997-2003 is 3.3/1000 and the rate for Australia for the same period is 3.2/1000). This issue also highlights the necessity to examine 95% confidence intervals when comparing ACT rates to national rates or rates for other states and territories.

- (2) In response to the question about Government actions to reduce the neonatal death rate, the ACT has a Fetal Medicine Unit that cares for high-risk pregnancies of women in the ACT and surrounding NSW and a tertiary level Centre for Newborn Care staffed by a dedicated group of Neonatologists and Neonatal Intensive Care Nurses. This combination provides a range of excellent services to the ACT and surrounding region.

The ACT Chief Health Officer closely monitors the infant, perinatal and neonatal death rates. The ACT Perinatal Death Database Committee provides an on-going collection of information about perinatal deaths within the ACT and information on perinatal deaths is reported bi-annually to the Clinical Audit Committee (an approved committee under the ACT Health Act 1993).

While neonatal death rates are a useful performance indicator for neonatal services in developing countries, in developed countries, the neonatal death rates have fallen to the point that their usefulness as an indicator of service performance has diminished. This is because a large proportion of the neonatal deaths that do occur are the result of serious birth defects or extreme prematurity, and as such may be unavoidable.

It is for these reasons that it is unlikely that we will see a considerable reduction in the ACT or Australian neonatal death rate and will continue to see fluctuations in rates in the ACT on an annual basis.

**Education—focus group meetings
(Question No 486)**

Mrs Dunne asked the Minister for Education and Training, upon notice, on 18 August 2005:

- (1) What exactly were the terms of the 2005 contract between the ACT Government and Colmar Brunton Social Research with regard to focus group meetings on ACT schools policy;
- (2) Is it the case that participants in the focus groups were requested to sign a confidentiality agreement; if so, what were the terms of that agreement and why was it deemed necessary;
- (3) Were participants in the focus group meetings paid for their participation; if so, how much were they paid.

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

I am advised that:

- (1) Colmar Brunton Social Research were contracted to conduct a number of focus group meetings and report on community concerns of a proposal to build a P-10 school in an area of declining enrolments; how any concerns might be overcome; how to effectively communicate the benefits of such a proposal; and maintaining confidence in public education.
- (2) Yes, Colmar Brunton Social Research used their standard agreement with participants, in accordance with the Market Research Society of Australia's Code of Professional Behaviour.
- (3) Yes, participants received \$50.

**Roads—development advice
(Question No 489)**

Mr Pratt asked the Minister for Planning, upon notice, on 18 August 2005:

- (1) On how many occasions in the last 12 months has the advice of ACT Roads been ignored or rejected by ACTPLA when approving developments;
- (2) Where are the sites where such advice has been ignored and rejected and on what grounds was it ignored or rejected.

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

- (1) None. The ACT Planning and Land Authority is required to consider all advice received from Government agencies. It does so having regard to a range of planning issues, which might make incorporating that advice into a development approval either impractical or undesirable.

- (2) As the Authority has not ignored or rejected the advice of ACT Roads there are no sites in respect to this question.
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**Roads—development advice
(Question No 490)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 18 August 2005:

- (1) On how many occasions in the last 12 months has the advice of ACT Roads been ignored or rejected by ACTPLA when approving developments;
- (2) Where are the sites where such advice has been ignored and rejected and on what grounds was it ignored or rejected.

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

- (1) None. The ACT Planning and Land Authority is required to consider all advice received from Government agencies. It does so having regard to a range of planning issues, which might make incorporating that advice into a development approval either impractical or undesirable.
- (2) As the Authority has not ignored or rejected the advice of ACT Roads there are no sites in respect to this question.
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**Capital works
(Question No 507)**

Mr Smyth asked the Treasurer, upon notice, on 23 August 2005:

- (1) Why are there no completion dates listed for projects in the 2004-05 March Quarter Capital Works progress report;
- (2) Is this a permanent exclusion or will completion dates be included in progress reports in the future;
- (3) If it is a permanent exclusion, why have you chosen to deliberately delete completion dates from these reports.

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

- (1) Proposed completion dates were not provided in Attachment A to the 2004-05 March Capital Works Program Progress Report, as the information provided by several agencies was incomplete or inaccurate. Had this information been included it may have been misleading.
- (2) Estimated completion dates will be included in the 2004-05 June Capital Works Progress Report.
- (3) Refer to the responses to Questions 1 and 2.
-

**Housing ACT—joint ventures
(Question No 516)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 August 2005:

- (1) Further to the response to question on notice No. 430, what were the recommendations that were due in July 2005, if tenders were being assessed by a tender evaluation panel in relation to potential Joint Venture Partners;
- (2) When will Housing ACT, based on the recommendations, engage in a joint venture with the approved tenders to commence work on (a) former Burnie Court site, Lyons, (b) Fraser Court, Kingston and (c) Currong Apartments, Braddon.

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

- (1) The recommendations of the tender evaluation panel were to identify which joint venture proposals are acceptable to the Territory and Joint Venture Partners.
- (2) The recommendations of the Tender Evaluation panel have been agreed by the delegate and negotiations with the preferred tenderers have commenced.

**Housing—crisis accommodation
(Question No 518)**

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 23 August 2005:

Further to the response to question on notice No 451, does this response indicate that the Government does not see a need to increase overnight accommodation for those needing crisis accommodation beyond the five organisations listed in the previous response.

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

I refer to the response to question on notice 451 which identified supported accommodation provided in the ACT's five purpose-built crisis accommodation facilities.

In addition to these services, the ACT Government allocated \$13.37 million in 2003-04 to enhance the ACT's response to homelessness. Additional crisis accommodation services were established through these initiatives:

- Men's Accommodation Support Service (MASS) which provides accommodation for 20 single men (provided by Canberra Mens Centre);
- Canberra Emergency Accommodations Service (CEAS) to provide crisis accommodation for couples;
- Raja which provides crisis accommodation for 12 families in the Gungahlin and Belconnen regions; and
- The YWCA's Families Experiencing Accommodation Transition in Tuggeranong (FEATT) which provides crisis accommodation for six families in Tuggeranong.

Recurrent funding of \$380,758 (GST exc) was provided to the Lifeline and Anglicare partnership, Canberra Emergency Accommodations Service (CEAS) in 2004-05 for brokerage of overnight accommodation from hotels, motels, hostels, caravan parks and privately leased properties and a telephone crisis accommodation information service.

Additional non recurrent allocations have been provided to CEAS (\$90,000 GST exc) and Canberra Mens Centre (\$5000 GST exc) in 2005-06 to increase the supply of overnight and crisis accommodation options.

Children—playground safety (Question No 519)

Mrs Burke asked the Minister for Urban Services, upon notice, on 23 August 2005:

- (1) What funding, if any, was allocated in the past, through the Playground Safety Improvement Program, to the four Canberra playgrounds that will be closed after examinations by Urban Services found them to be dangerous;
- (2) If no money had been allocated to any of the four playgrounds being taken offline, why did the Government fail to allocate money from the Playground Safety Improvement Program for these four playgrounds;
- (3) What are the specific reasons for closing each of the four playgrounds;
- (4) Will the four playgrounds be closed “permanently”; if not, which playgrounds will be repaired and re-opened to the public;
- (5) If any of the four are to be fixed, where will the funding be sourced from to fix them so that they meet safety standards;
- (6) What work would be required to fix the four playgrounds in order to comply with safety standards;
- (7) If the playgrounds are to be closed permanently, what will happen to the land that they are located on.

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

- (1) No funding was allocated in the past through the Playground Safety Improvement Program for these four playgrounds.
- (2) Careful examination and individual assessment identified that these playgrounds had elements with unacceptable risks. This examination occurred after the 2005/06 Playground Safety Program funding had been allocated.

(3)

Playground	Reason
Weston Park – Prescott Lane (bridge & tree house structure)	<ul style="list-style-type: none"> • Structural deterioration of timber. • High risk fall height from top rail of bridge structure of 4.8 metres. • Horizontal railings. • No soft-fall beneath structure.
Gowrie - Kibby Place	<ul style="list-style-type: none"> • High risk fall height from main structure. • No soft-fall under and surrounding the tyre climb and some of the vertical logs.
Florey - Lumholtz Place	<ul style="list-style-type: none"> • High risk fall height from main structure. • High risk head entrapment points present.
Emu Ridge - Flood Place	<ul style="list-style-type: none"> • High risk fall height from main structure. • High risk head entrapment points present.

- (4) Decisions on the replacement of any or all of these playgrounds will be determined with reference to the Playground Strategy currently being developed by Urban Services.
- (5) If any or all of the playgrounds are to be replaced the funding will be sourced from future Playground Safety Program budgets.
- (6) Any play equipment to be replaced will need to comply with the current Australian and ACT standards.
- (7) If a playground is not to be replaced the land will be returned to neighbourhood parkland.

Prisons and prisoners—capital expenditure (Question No 528)

Mr Stefaniak asked the Attorney-General, upon notice, on 24 August 2005:

- (1) What has been delivered for the \$1.027 million capital expenditure on the 'Correctional Facility' as funded in the 2004-05 capital works budget;
- (2) What was the total amount of expenditure on this project as at the end of the 2004-05 financial year;
- (3) What is the anticipated expenditure on this project in the current financial year;
- (4) Have any funds been spent on this project to date this financial year; if so, how much; if not, why not.

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

- (1) It is unclear how the Member arrived at a figure of \$1.027 million capital expenditure on the Correctional Facility in the 2004-05 financial year. Funding provided in the 2004-05 capital budget for the Correctional Facility was \$110.2 million as published in the 2004-05 Budget Paper. The actual expenditure was \$2.792 million for which the following deliverables were obtained:

- i) site investigation and Preliminary Assessment;
 - ii) detailed site and heritage survey;
 - iii) engagement and operation of the Program Manager;
 - iv) engagement and operation of the Design Consultants;
 - v) industry consultation activities;
 - vi) probity audits;
 - vii) financial assessments;
 - viii) procurement activities; and
 - ix) operation of the Alexander Maconochie Centre (AMC) Project office.
- (2) See response to question 1.
- (3) The projected expenditure for the 2005-06 financial year is \$13.422 million.
- (4) The 2005-06 project expenditure to 30 August 2005 is \$1.1 million. All figures provided are GST exclusive.

Housing ACT—maintenance (Question No 538)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 24 August 2005:

- (1) Is the Minister aware of any difficulties existing between the Head Contractor, Spotless, and sub-contractors in relation to compliance and attendance to maintenance issues for Housing ACT;
- (2) What will the Minister do to ensure that Spotless adheres to the fee schedule outlined in contractual arrangements between Spotless and sub-contractors, therefore seeing sub-contractors paid correctly in accordance with the Maintenance Agreement they signed up to.

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

- (1) No.
- (2) Quality assurance processes are built into Spotless' management systems. Works management system rules and desktop audits are carried out on sub contractor claims to ensure compliance with the fee schedule.

Keep Australia Beautiful (Question No 542)

Mr Seselja asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) What was the cost incurred by the ACT Planning and Land Authority (ACTPLA) for merchandise provided as part of bags given to guests at the "Keep Australia Beautiful Sustainable Cities" launch last month;
- (2) How much has been spent on gifts by the ACTPLA, or its predecessors, during the (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05 financial years;

- (3) What is the total expenditure on sponsorship by the ACTPLA, or its predecessors, during the (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05 financial years.

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

- (1) \$181.00

(2)

2001-02	2002-03	2003-04	2004-05
nil	\$1,403	nil	\$588

(3)

2001-02	2002-03	2003-04	2004-05
\$15,450	\$14,000	\$13,000	\$12,454

Civic Youth Centre (Question No 546)

Mr Seselja asked the Minister for Planning, upon notice, on 25 August 2005:

- (1) What was delivered for the \$246 000 of capital expenditure, as at the end of the 2004-05 March Quarter, on the Civic Youth Centre;
- (2) Was there any further expenditure on this project in the last quarter of 2004-05; if so, how much and what was delivered for that expenditure; if not, why not;
- (3) What is the (a) current total expenditure on this project and (b) completion date for this project;
- (4) Is the project running according to schedule to meet that completion date;
- (5) Will this project be delivered within its \$645 000 budget.

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

- (1) Capital expenditure of \$246,000 for the end of the 2004-05 March Quarter was for preliminary work including design fees. This included work for "The Junction" (Youth Health Centre), which is managed by ACT Health and was incorporated into the project.
- (2) The expenditure for the last quarter of 2004-05 was \$827,000.
- (3) (a) The total expenditure to the end of June was \$1,073,000.
(b) The construction of the project was completed on the 8 August 2005.
- (4) The project was completed on schedule.
- (5) Yes.

Aboriginals and Torres Strait Islanders—disadvantage (Question No 560)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 25 August 2005:

- (1) What has the ACT Government achieved in reducing indigenous disadvantage in the portfolio area of Disability, Housing and Community Services;
- (2) What (a) levels of funding and (b) programs have been implemented in relation to part (1) during (a) 2001-02, (b) 2002-03, (c) 2003-04 and (d) 2004-05.

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

In responding to the questions, I am providing information in relation to those areas of the Department of Disability Housing and Community Services for which I am responsible. Information is not provided for the year 2001-02 as the Department did not exist at that time.

The ACT Government has provided a number of services within the portfolio area of Disability, Housing and Community Services to reduce indigenous disadvantage.

However, most service provision to Aboriginal and Torres Strait Islander people and families occurs as part of general service delivery in all portfolio areas. For example, in 2003-04, of the 1638 people in the ACT who used disability services funded under the Commonwealth State Territory Disability Agreement, 22 identified as Aboriginal, Torres Strait Islander or both¹. As at 6 September 2005, in public housing, (excluding community housing and Disability ACT housing), 193 out of 10 667 households contain indigenous persons (1.81%). Some caution must be applied to both the disability sector and public housing sector data, however, as ethnicity remains self-identified, and for a range of reasons, the figures above may represent an undercount of Aboriginal and Torres Strait Islander people.

The quality of Indigenous data and Indigenous reporting in community services, housing and health has been a matter of national concern for some years. The Department of Disability, Housing and Community Services shares a national commitment to improving the quality of data on Indigenous people in housing and community services data collections. As part of the work plan for the National Housing Data Agreement Management Group, Housing ACT is currently putting together its action plan for improving the identification of Indigenous households in mainstream housing programs and has already introduced measures to collect information consistent with national data standards for Indigenous identification. Under the National Community Services Information Management Group work plan, the Department will continue to participate in initiatives to improve the quality of Indigenous identification in community services data collections and to improve the quality and consistency of performance indicators for Indigenous people in this sector.

In addition to provision of generalist services, the Government has funded initiatives targeted specifically at Aboriginal and Torres Strait Islander people and families, in the areas of social housing, carers and community engagement, in recognition of their disadvantage.

- \$0.350m has been provided in each of 2002-03, 2003-04 and 2004-05, for development of the indigenous housing sector to provide better access and wider choice for indigenous people. This funding is used to fund specialised indigenous housing providers such as Billabong Aboriginal Corporation and Ghibba Gunya Housing Corporation.

- Funding of \$830 000 was provided to Billabong Aboriginal Corporation under the Community housing program (2002 – 03 and 2003- 04) to purchase three properties for Aboriginal and Torres Strait Islander families.
- In addition to the above, \$3.2m of the \$33.2m 3rd Appropriation for 2003-04 was identified for the provision of a hostel/boarding house style of accommodation for Aboriginal and Torres Strait Islanders.
- The Department over the last few years has also provided an Aboriginal and Torres Strait Islander Youth Accommodation Service, Dyiramal Migay, managed by Winnungah Nimmityah jointly funded from Supported Accommodation Assistance Program and the Commonwealth-State Housing Agreement. Funding for this service is:

• 2002-03:	\$12 851
• 2003-04:	\$240 229
• 2004-05:	\$209 500

- The Aboriginal and Torres Strait Islander Housing Liaison Service managed by Winnunga Nimmityah Aboriginal Health Service, which supports indigenous people find culturally appropriate housing options, has been funded as follows:

• 2002-03:	\$51 125
• 2003-04:	\$51 403
• 2004-05:	\$52 687

- Winnunga Nimmityah Aboriginal Health Service also received a grant of \$26 265 under the 2004-05 Carer Recognition Grants Program for provision of culturally appropriate support and counselling for Aboriginal carers. The 2005-06 Carer Recognition Grants Program has recently been announced, and Aboriginal and Torres Strait Islander carers are included as a priority group for projects to be funded.
- The Community Services Program funded public radio, 2XXfm, the amount of \$57 096 during 2003-04 to broadcast information about Aboriginal and Torres Strait Islander People to reduce a sense of isolation by improved access to information about the Canberra community. Funding of \$21 660 was provided again in 2004-05 for the same purpose.

In the areas of the portfolio where services to indigenous people and families are provided as part of general service delivery, it is not possible to provide information about expenditure for Aboriginal and Torres Strait Islander people.

¹ Table A1.1, page 83, Australian Institute of Health and Welfare, Disability Support Services 2003-04, Canberra: AIHW 2005

Ginninderra high school (Question No 562)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 26 August 2005:

What guarantees will the Minister give to the community that after Ginninderra District High School is vacated and demolished, the Government will actually build the proposed replacement school.

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

The government has proposed to close Ginninderra District High School and rebuild a new P-10 school on the site, and has committed \$43 million to the project. The government is currently consulting with the community to ascertain their views on the proposal.

Ginninderra high school (Question No 563)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 26 August 2005:

Did the Department of Education and Training prepare a feasibility study for the proposed P-10 school to be built on the site of Ginninderra District High School before the plan was announced in July this year; if so, did this study include a consideration of alternative sites.

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

The Government considered advice on the most appropriate site for the proposed P-10 school. The current site is large enough to allow for the construction of the kind of school envisioned by the government. Other potential sites would involve using land currently used for community sporting and recreation activities. The government is currently consulting with the community on the proposal.

Ginninderra high school (Question No 564)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 26 August 2005:

- (1) Prior to July 2005 what assessments were undertaken of the (a) educational, (b) economic and (c) social impacts on students, families and the general community of the closure of Ginninderra District High School;
- (2) Will the Minister make these assessments publicly available; if so, when; if not, why not.

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

- (1) The government is currently consulting with the community on the proposed closure of Ginninderra District High School. This consultation will include the educational, economic and social impacts of the proposal.
- (2) The government is still consulting with the community on the proposal. The outcome of the consultation process, including feedback from the affected community will be made available at the completion of the consultation process.

**Children—early intervention programs
(Question No 565)**

Mrs Dunne asked the Minister for Children, Youth and Family Support, upon notice, on 26 August 2005:

- (1) How much money was allocated as a result of the Vardon Report for the implementation of early intervention programs;
- (2) What process did the Government follow to choose early intervention programs to be funded;
- (3) Did the Government choose the Positive Parenting Program over other programs, such as Parent Effectiveness Training; if so, why;
- (4) Did the Government consider funding a suite of different types of programs; if not, why not.

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

- (1) In response to the Vardon report, the Government allocated an additional \$730,000 for the implementation of early intervention programs as part of *The Territory as Parent Implementation Strategy* (August 2004).
- (2) The Office for Children, Youth and Family Support was informed by the Early Intervention, Prevention and Communication Reference Group. Membership of the Reference Group is drawn from Government and community sector organisations.
- (3) Yes – The Office for Children, Youth and Family Support decision, supported the Reference Group recommendation to provide training for practitioners (government and non-government) in the Positive Parenting Program.
- (4) The 2005/06 Budget Papers identify a range of early intervention programs.

**Land—direct sales
(Question No 566)**

Mrs Burke asked the Minister for Planning, upon notice, on 26 August 2005:

- (1) Has the ACT Government commenced its direct sales program, run by the Land Development Authority, to support the Government's specified social and community objectives;
- (2) Which specified Government social and community objectives are being met via the implementation of the direct sales program;
- (3) Which portions of land are being identified and prepared for use as facilities for community based organisations.

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

- (1) The Land Development Agency has administered this program on behalf of the Government since its establishment on 1 July 2003.
 - (2) As stated in (1), LDA administers the Direct Sales program on behalf of the Government to ensure that Canberrans continue to enjoy good access to services and facilities, such as sport and recreation facilities, community facilities and religious and cultural facilities as outlined in the Government's Canberra Spatial Plan.
 - (3) The ACT Planning and Land Authority identifies land for community use, in accord with the requirements of the Territory Plan. The Authority confirms the availability of land for community purposes.
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Currong Apartments (Question No 567)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 26 August 2005:

- (1) Do students residing at Currong Apartments have Housing ACT tenancy agreements, coordinated by Havelock Housing Association and the Association for Post Secondary Student Accommodation, until some point in December 2005; if so, what decisions have you made about extending leases for the students at Currong beyond December 2005;
- (2) If the leases cannot be extended due to any plans for redevelopment of the Currong site, what consideration is to be given to relocating or assisting the tenants to find an alternative form of accommodation.

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

- (1) No, eligible students, residing at Currong Apartments do not have residential tenancy agreements with Housing ACT. They have tenancy agreements with Havelock Housing Association (HHA) and the Association for Post Secondary Student Accommodation (APSSA) strictly for the 2005 academic year. Students have been advised of this in writing, both at the time of signing of their lease and also on 10 June 2005, in accordance with the requirements of the Residential Tenancies Act.
 - (2) The intention is to make Currong Apartments available for student accommodation in 2006. If the existing students do not choose to remain there in 2006, they will need to make their own arrangements for alternative accommodation. There are services available at each of the local universities to assist students in their accommodation needs.
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ACTION—bicycle racks (Question No 571)

Mr Pratt asked the Minister for Urban Services, upon notice, on 26 August 2005, (redirected to the Minister for Planning):

- (1) Why was there nil capital expenditure recorded for (a) "Real time information system at bus interchanges" and (b) "Bicycle racks on ACTION buses" as at the end of the 2004-05 March quarter;

- (2) Was there any further expenditure on these projects in the final quarter of 2004-05; if so, what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05; if not, why not;
- (3) Has there been any expenditure on these projects in the 2005-06 financial year; if so, how much and what was delivered for that expenditure; if not, why not;
- (4) Were these programs classified as important transport programs by the Stanhope Government; if so, why did the Government fail to spend the capital funding allocated to them in the 2004-05 financial year.

Mr Corbell: The Minister for Urban Services has redirected this question to me as the Minister responsible for sustainable transport. The answer to the member's question is as follows:

- (1) a) Work on a feasibility study for the Real Time Information System was incomplete at the end of the 2004-05 March quarter and so no payments had been made to the contractor undertaking this work at that time.
b) Contract for the bicycle racks on ACTION buses was still under negotiation at the time of the 2004-05 March quarterly report.
- (2) Yes. \$40,000 was spent on receipt of the feasibility study for the Real Time Information System in the June quarter of 2004-05, while no expenditure was incurred in 2004-05 for the bicycle racks on ACTION buses initiative.
- (3) No expenditure has been recorded against the Real Time Information project, however it has now been completed and payment is being finalised. \$69,000 has been expended on the bicycle racks for ACTION buses in the 2005-06 financial year and will be reported by the ACTION Authority.
- (4) The 2004-05 capital expenditure for these projects will be spent in accordance with the contractual arrangements.

Schools—traffic management (Question No 572)

Mr Pratt asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$50 000 of capital expenditure on "Traffic management at schools" as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) What was the total amount rolled over for this project into the 2005-06 financial year;
- (4) If there is no rolled over amount, why not;
- (5) Where and what projects are planned as part of this rolled-over amount in 2005-06;

- (6) Was there new funding allocated to “Traffic management at schools” in the 2005-06 budget; if so, how much and what, if any, of that budget has been expended;
- (7) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) Traffic management devices such as line marking and signs were installed around various schools, including Taylor Primary, St Clare of Assisi Primary, Sacred Heart Primary, Gordon Primary, St Thomas Aquinas Primary, the Church of England Girls Grammar, Hawker College, Belconnen High, Holy Trinity Primary and Calwell Primary;
- (2) \$3,000 was expended in the April-June quarter for the design and documentation of Torrens Primary parking improvements. The 2004-05 expenditure was \$53,000;
- (3) \$97,000 was rolled into 2005-06;
- (4) Refer to (3);
- (5) \$94,000 was expended in July 2005 for the review and installation of traffic management devices at various schools including Torrens Primary, Telopea Park, Miles Franklin Primary, St Francis Xavier College, Higgins Primary, Marist College and Hughes Primary;
- (6) \$200,000 has been allocated in 2005-06 with \$68,000 expenditure achieved to-date; and
- (7) The list includes Melrose High, Marist College, Tharwa Primary, Hall Primary, Monash Primary and Chapman Primary. Only the first three of these schools are likely to be improved in 2005-06 based on preliminary design and construction cost estimates.

Roads—safety improvements (Question No 574)

Mr Pratt asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Where and what was delivered for the \$123 000 of capital expenditure on “Road safety improvements” as at the end of the March 2004-05 quarter;
- (2) Was there any further expenditure on this project in the final quarter of 2004-05; if so, where and what was delivered for that expenditure and what was the total amount of expenditure as at the end of 2004-05;
- (3) What was the total amount rolled over for this project into the 2005-06 financial year;
- (4) If there is no rolled over amount, why not;
- (5) Where and what projects are planned as part of this rolled-over amount in 2005-06;
- (6) Was there new funding allocated to “Road safety improvements” in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;

- (7) Is there a list or schedule of improvements for the current financial year; if so, where are the sites that improvements will be made.

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

- (1) The \$123,000 capital expenditure delivered the design of Mawson Drive/Yamba Drive intersection signalisation, erection of new bus lane signs, traffic management improvements at Erindale and the study for Barton Highway/Gundaroo Drive and Kings Avenue/Parks Way;
- (2) \$105,000 was expended on Belconnen Pool entry works, management, design and construction of Mary Potter/Haydon Drive traffic lights, design and tendering of Hindmarsh Drive/Melrose Drive traffic signal upgrade, and signs and lines at Cowlshed Street. The 2004-05 expenditure was \$228,000;
- (3) \$72,000 was rolled into the 2005-06 financial year;
- (4) Refer to (3);
- (5) Belconnen Pool entry works, design of Mawson Drive/Yamba Drive intersection signalisation, design of Hindmarsh Drive/Melrose Drive traffic signal upgrade and the Monaro Highway crash cushion investigation;
- (6) \$250,000 has been allocated in 2005-06 with \$4,000 expenditure to-date; and
- (7) The proposed work is the continued construction of the Mary Potter/Haydon Drive traffic lights.

Roads—traffic light upgrades (Question No 577)

Mr Pratt asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) Why was there nil capital expenditure recorded, as at the end of the March quarter 2004-05, on "Traffic light upgrades";
- (2) What was the total amount of expenditure on this project as at the end of the 2004-05 financial year;
- (3) If there was expenditure recorded on this project in 2004-05, where did the upgrades take place;
- (4) If there was no urgency for this funding to be spent, why was it allocated as part of the 2004-05 budget;
- (5) What was the total amount of funds rolled-over from 2004-05 to 2005-06 to be spent on "Traffic light upgrades";
- (6) Was there new funding allocated to "Traffic light upgrades" in the 2005-06 budget; if so, how much and what, if any, of that budget, has been expended;

- (7) Has any of that funding been expended to date this financial year; if so, where did the upgrades take place;
- (8) Is there a list of upgrades or a schedule of upgrades for the current financial year; if so, where are the sites of the planned upgrades.

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

- (1) The majority of the work was carried out in the final quarter of 2004-05;
- (2) \$179,000 was expended in the 2004-05 financial year;
- (3) The upgrades took place at Mary Potter Circuit/Haydon Drive Traffic Signals and the City Walk West Traffic Signal Upgrade;
- (4) Refer to (2);
- (5) \$71,000 was rolled into 2005-06;
- (6) \$100,000 has been allocated in 2005-06 and \$100,000 expenditure incurred to-date;
- (7) Yes, Mary Potter Circuit/Haydon Drive Traffic Signals; and
- (8) No, refer to (6) and (7).

Roads—capital expenditure (Question No 580)

Mr Pratt asked the Minister for Urban Services, upon notice, on 26 August 2005:

- (1) In the March 2005 quarterly report on the capital works program for 2004-05, what is the reason for the project savings of \$2 350 000 and \$200 000 agreed to by Roads ACT for Neighbourhood improvements;
- (2) What neighbourhoods and/or suburbs will be affected by the decisions not to undertake this spending on capital works;
- (3) What are the details of the projects that will not be undertaken because of the decision not to undertake these capital works;
- (4) Will these projects be included in a subsequent capital works program; if so, in which year; if not, why not.

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

- (1) The funds were withdrawn from the Department of Urban Services capital works program, returned to consolidated revenues and were available for whole of government priorities;
- (2) The identified Neighbourhood Improvement works for Deakin, Turner, O'Connor, Lyneham, Braddon, Dickson, Downer, Watson and Hackett, will now be addressed through the Capital Upgrade program;

- (3) Project elements include local area traffic management, streetlighting and community paths. However, a number of improvements have already either been commenced or completed, including footpath improvements in Deakin, installation of street lights in Turner, construction of a pedestrian refuge in Dickson, upgrades of signalised pedestrian crossings at Dickson, and road linemarking improvements across a number of suburbs; and
- (4) The Capital Upgrade program has funding allocated for neighbourhood improvements in 2005-06. The identified projects recorded for the suburbs at (2) will be considered for inclusion in the capital upgrade program, along with other competing items on an ACT wide basis and for the funding available. The capital upgrade program is an ongoing program over the next five years.

Policing—attendance (Question No 583)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 26 August 2005:

- (1) At what point do police decide to attend, or not attend, an incident or call for assistance;
- (2) What is the policy and what criteria will guarantee police attendance and what will not;
- (3) What will guarantee the collection of evidence, such as fingerprints, from a crime scene;
- (4) Does this policy indicate that police are not confident that offenders will be prosecuted under this Government; if not, why not.

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

- (1) Police respond to incidents following the receipt of a request for assistance to either police communications or directly to a police station. Police attendance at incidents is based on a prioritised response model used by the Computer Aided Dispatch (CAD) System that prioritises all incidents for dispatch of patrols.

Priority 1	Life threatening or time critical situations.
Priority 2	Situations where the information provided indicates that time is important, but not critical.
Priority 3	Situations where there is no immediate danger to safety or property, but where police attendance is needed without undue delay.
Priority 4	Situations requiring police attendance where time is not critical and includes circumstances where a time is agreed with the complainant.

- (2) The priority response model provides a guide against which the specific circumstances of an incident can be assessed. Police attendance or non-attendance is dependant upon the individual circumstances of the incident reported and communication's staff are trained to maximise the efficient and effective deployment of resources.

- (3) This cannot be guaranteed and will vary according to the circumstances of each incident. ACT Policing members are trained to assess a crime scene for potential evidence. Following their assessment they can request for forensic services attendance or collect potential evidence which is forwarded onto Forensic Services for examination/analysis.
- (4) No. ACT Policing works collaboratively with the Director of Public Prosecutions to ensure that all matters supported by sufficient evidence proceed to prosecution or an appropriate diversionary program.

Bushfires—management plan (Question No 584)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 26 August 2005:

- (1) Why has part 2 of the Strategic Bushfire Management Plan been further delayed when it was promised for completion in July this year;
- (2) Given that it is now two and a half years since the January 2003 bushfires, can it be said that the Government has become blasé about community safety in the belief that another bushfire disaster is unlikely to occur; if not, why not;
- (3) What is the expected release date for the Strategic Bushfire Management Plan now that it has been delayed.

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

- (1) The Strategic Bushfire Management Plan (SBMP) is a 10-year plan to be completed in two parts. Version One was completed in January 2005 to meet immediate Government and public expectations for bushfire management prior to the 2004/05 bushfire season.

Version One of the SBMP has been well received, provides strategic direction for bushfire management in the ACT and identifies actions that are to be undertaken over the full period of the 10 year plan.

The original expected timeframe for the release of Version Two has been revised to allow for more detailed analysis to ensure Version Two is scientifically rigorous, developed in an open and transparent manner and provide a comprehensive and long term set of strategies for bushfire management in the ACT.

- (2) The Government has definitely not become blasé about community safety. The strategies and directions that are detailed in Version One of the SBMP clearly show the Government is well aware of the potential for large bushfires to impact on the Territory. This is no more clearly shown than on maps 4 and 5 of the SBMP, which show the pathways very large fires may take in the ACT, and the potential consequences. The identification of these risks provides the foundation by which the Government is delivering the strategies to prevent large fires occurring, being prepared for the inevitable occasions when fires do occur and ensuring the Territory is able to respond efficiently and effectively. A component of these strategies are community preparedness and education, which has seen the creation of community fire units, delivery of the Bush FireWise program and the development of warning systems for the community. ACT land managers, through the implementation of Bushfire Operations Plans, have also completed extensive prevention activities.

- (3) The expected completion of Version Two of the SBMP will be in 2006/07
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**Red Hill—heritage walk
(Question No 585)**

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 20 September 2005:

- (1) Why have the works on the Heritage Walk on Red Hill Drive (Red Hill ‘look out’) appear to have stopped half way through and can the Minister advise when this Heritage Walk will be fully completed;
- (2) Is the Government proposing to launch this walk to the general public; if so, when and what type of launch is being proposed;
- (3) Why have some dead trees been removed in the Red Hill ‘look out’ area yet others still remain and will the Minister ensure that these trees are felled as a matter of public safety but that they be allowed to remain at the site for the preservation of the habitat of wild life in the area;
- (4) When will works to the Reservoir on Red Hill Drive begin to prevent water seepage that in turn causes gravel and soil to wash down the road every time there is excessive rainfall;

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

- (1) My Department is unaware of any work being undertaken on Red Hill Drive that fits the description of a “Heritage Walk”. The only track work that has been completed on Red Hill Nature Reserve in the last 18 months relates to ongoing minor maintenance of unsealed, earth walking tracks. The Department of Urban Services and the Red Hill Regenerators Park Care Group likewise are unable to clarify the existence of work on a Heritage Walk as described by Mrs Burke.
- (2) See response to question (1).
- (3) Some removal of dead and dying shrubs was undertaken around the lookout area of the Red Hill summit last year. These works were undertaken to improve visual amenity and improve line of sight along the margins of the sealed roads (some of the vegetation was beginning to encroach onto the roads).

As part of its responsibilities under the ACT’s Strategic Bushfire Management Plan, Environment ACT has undertaken targeted vegetation removal, particularly in areas of the Bushfire Abatement Zone (BAZ). Such work has included the removal of shrubs, saplings and some trees. Unless associated with such works, or in the interests of public safety, the removal of dead trees from nature reserves is not a common practice. Dead standing vegetation is a critical component of the woodland environment as it provides habitat, food and shelter for a host of other organisms. The Red Hill woodland is predominantly a Yellow Box – Blakely’s Red Gum association, recognised in the ACT as endangered. The removal of dead and dying timber is considered to be one of the reasons this community is in decline throughout its range.

- (4) Environment ACT has raised with ActewAGL the need to address water seepage from the water reservoir off Red Hill Drive. I have asked the Department to follow this through and to ensure rehabilitation works are undertaken to stabilise the disturbed land around the reservoir.
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**Ngun(n)awal—identity and funding
(Question No 586)**

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 20 September 2005:

- (1) How much public funding has been provided to people and/or organisations who have not had their Ngunawal identity validated by the customs and traditions of the Ngunawal people during (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date.
- (2) What was this funding provided and used for.

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

- (1) There is no such validation required.
 - (2) Not applicable
-

**Alcohol—serving intoxicated persons
(Question No 591)**

Mr Stefaniak asked the Attorney-General, upon notice, on 20 September 2005:

- (1) Given recent criticism regarding serving of alcohol to intoxicated persons in Civic, what is the Government and Office of Fair Trading doing to enforce laws within clubs and pubs not to serve alcohol to those who are intoxicated;
- (2) Will the Government look at tightening liquor licensing laws to ensure more checks are done before liquor licenses are awarded; if so, when will this process begin; if not, why not;
- (3) Does the Office of Fair Trading or Liquor Licensing do regular checks in establishments to monitor alcohol cut offs to those who are intoxicated; if so, how often; if not, why not;
- (4) How many establishments with liquor licenses have been fined or warned in the past 12 months for serving alcohol to intoxicated persons;
- (5) How many of those establishments fined were in the Civic area.

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

- (1) Liquor Inspectors from the Office of Fair Trading conduct regular inspections of licensed premises. Priority is given to those establishments by assessing intelligence gathered

from the public, other licensees and the AFP. For the 2004/05 financial year 406 inspections of licensed premises were made. The target for 2005/06 is 500 inspections.

- (2) I met with the Australian Hotels Association on 11 August 2005. As a result of that meeting I have asked Department of Justice and Community Safety officials for advice on the constitution of a review committee. I understand stakeholders are presently being consulted regarding constitution of the committee. The issue of a restricted scheme will be considered by that committee. I am advised the first meeting is likely to take place in December this year.
- (3) During each inspection, Liquor Licensing Inspectors ensure compliance with the *Liquor Act 1975* regarding serving intoxicated persons, minors in bar-rooms and many other requirements.
- (4) There is no infringement notice offence for supplying alcohol to an intoxicated person. The last formal action taken against a liquor licensee for serving an intoxicated person occurred in March 2004. That resulted in a suspension of the liquor licence for 14 days.
- (5) See the answer to question 4.

Sport and recreation—strategy (Question No 593)

Mr Stefaniak asked the Minister for Sport and Recreation, upon notice, on 20 September 2005:

- (1) When was the ACT Recreation Strategy finalised;
- (2) Does this strategy set goals and targets for recreational activity and facilities in Canberra; if so, what are they and in what timeframe will they be met; if not, why not;
- (3) Where may copies of the Recreation Strategy be obtained.

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

- (1) The ACT Recreation Strategy is due to be finalised by 30 June 2006.
- (2) The terms of reference for the Strategy are at Attachment one. The outcomes of the Strategy cannot be pre-empted.
- (3) Distribution arrangements for the Strategy will be determined when it is finalised.

[A copy of the attachment has been lodged with the Chamber Support Office.]

Insurance—Canberra Racing Club (Question No 595)

Mr Stefaniak asked the Minister for Racing and Gaming, upon notice, on 20 September 2005, (redirected to the Acting Treasurer):

Noting that the ACT Government has assisted the Canberra Racing Club in the interim with insurance arrangements to allow the Canberra Cup to go ahead, what will the Government now do to ensure an agreement is reached regarding insurance for the Canberra Racing Club in the next six months to allow race meetings to continue well into the future.

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

The ACT Government has already begun work, together with the Canberra Racing Club to secure a long term outcome within which racing will continue in the ACT over the long term. The first such meeting has already been held with the Club and relevant Departments are reviewing options for securing a long-term solution.

Government shopfront—waiting times (Question No 596)

Mr Pratt asked the Minister for Urban Services, upon notice, on 20 September 2005:

- (1) What is the average waiting time for clients who use ACT Government Shop fronts;
- (2) Why would a customer have to wait 40 minutes to be served at the Civic Shop front on Friday, 16 September, from approximately 1:35 pm;
- (3) Were computer systems responsible for delays on 16 September; if so, what was the cause of the problems, has the problem occurred before and what has been done to ensure that it does not happen again;
- (4) What amount of time is considered acceptable to wait at ACT Shop fronts;
- (5) Is there a complaint mechanism for residents who feel they had to wait an extraordinary amount of time at an ACT Government Shop front; if so, who should a resident contact; if not, why not.

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

- (1) The average waiting time across all shopfronts for the period July and August 2005 is 6 minutes 34 seconds. For the previous financial year the result was an average wait time of 6 minutes 40 seconds.
- (2) Problems with the whole of government receipting system resulted in staff processing payments as manual backup and customers having to wait longer than usual.
- (3) Yes, a computer system problem was responsible for service delays in shopfronts on 16 September.

Cause of the problem was a hardware malfunction involving a card in the application server connecting it to the storage area network (SAN) which hosts the relevant application database.

No, this particular problem has not occurred before, and loss of connection between an application system server, and storage devices, is extremely rare.

The shopfront receipting system has been configured with failover server capability, to enhance business continuity capabilities in shopfronts. As a result of this particular malfunction, the procedures to initiate the failover process are being re-examined to determine need for improvements, aimed to minimise downtime should there be hardware or software failures in future.

- (4) The target measure for waiting at a shopfront is an average of 12 minutes. This accountability indicator is published on page 232 of the 2005-06 Budget Paper Number 4 for the Department of Urban Services.
- (5) Yes, there is a complaint mechanism. Customer feedback forms are available in the shopfronts, through the ACT Government website, and by phoning Canberra Connect Call Centre on 132281.

**Waste disposal—bin collections
(Question No 597)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 20 September 2005:

- (1) On how many occasions has (a) rubbish and (b) recycle bin collections not occurred on the day it was scheduled across Canberra and can the figures be provided on a suburb by suburb basis for (i) 2003-04, (ii) 2004-05 and (iii) 2005-06 to date;
- (2) How many times has (a) garbage and (b) recycle bin collections not taken place on a Friday and the collection taken place on a Saturday, where staffing penalty rates are incurred, for (i) 2003-04, (ii) 2004-05 and (iii) 2005-06 to date;
- (3) Has Saturday collection cost the Government any additional funds due to additional staffing costs.

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

- (1) The number of properties where (a) rubbish and (b) recycle bin collections did not occur on the day it was scheduled for are:
2003-04. Rubbish 1280. Recycling 401.
2004-05. Rubbish 833. Recycling 220.
2005-06. Rubbish 230. Recycling 66.

Figures are not available on a suburb-by-suburb basis.

- (2) 2003-04. Garbage 1. Recycling 1.
2004-05. Garbage 1. Recycling 1.
2005-06. Garbage none. Recycling none.

- (3) No.

**Lake Tuggeranong foreshore—lighting
(Question No 598)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 20 September 2005:

- (1) What is the total cost for the new environmentally-friendly lighting at Lake Tuggeranong foreshore, as reported in the *Southside Chronicle* on 9 August 2005;
- (2) Will this style of lighting be installed in other locations around Canberra in the future; if so, where are these locations; if not, why not;
- (3) Will the lights require more maintenance expenditure than the previously installed lights; if so, why;
- (4) Is it stated that use of the new lights reduces light wasted in the night sky by over 50 percent; if so, how is less light wasted to the night sky, and why was this not implemented earlier;
- (5) Is it stated that use of the new lights reduces energy consumption; if so, how is this achieved and why was it not implemented earlier;
- (6) Are the columns the lights are constructed out of made from recycled aluminium and has this type of material been used before; if so, on how many occasions and where; if not, why not.

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

- (1) The total cost for stage one of the Tuggeranong foreshore lighting upgrade was \$105,000.00.
- (2) Yes. Roads ACT are considering installing this type of lighting at further locations at the Tuggeranong foreshore and also in the Woden town park, Belconnen foreshore and areas in Civic.
- (3) No.
- (4) Yes. Modern luminaries are designed to cut off upward light and redirect it towards the ground. The new luminaries at the Tuggeranong foreshore limit upward wasted light to less than 3% of the luminaries output.
- (5) Yes. The more efficient luminaries and lamps used at the Tuggeranong foreshore will eventually save over \$3,700/year in energy costs and reduce greenhouse gas emissions by 36 tonnes/year.
- (6) No. The new columns are made from new aluminium that may be recycled. This type of column has been used before in the ACT at the Section 84 development in Civic.

Policing—costs (Question No 599)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 20 September 2005:

- (1) In relation to a media release by the Minister on 28 August 2005 regarding police issues, if the average expenditure on police services per person for the ACT is \$270, well above the national average of \$259, why is the level of full-time equivalents that are provided to the ACT well below the national average;

- (2) Is the ACT Government overpaying for its community policing services; if not, why not; if so, why does it cost more than other States and Territories per head of population;
- (3) Given that the media release also stated that there has been “an increase of \$26.4 million since the Stanhope Government was elected” regarding the expenditure on police for the ACT, why has there been such an increase in cost given there are fewer full-time equivalent sworn police officers than anytime in the last four or five years;
- (4) What is the current strength of the ACT police force in terms of (a) sworn and (b) unsworn officers.

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

- (1) The real recurrent expenditure rate of \$270 per head of population reflects the costs associated with the provision of quality community policing in the ACT. In recognition of the ACT having very limited influence on AFP employment terms and conditions, the ACT received a \$6.3m increase in GST funding in 2005/06¹ to compensate for additional costs associated with using the AFP to provide community policing in the ACT.

In terms of the level of police Full Time Equivalents (FTE), the most recent Productivity Commission Report on Government Services 2005 recorded that the number of police staff exceeded the nominal ACT Government funded figure of 769 for financial year 2003/04. This level of efficiency is highlighted by the substantially higher proportion of operational staff compared to most other jurisdictions.

- (2) The ACT Government has very limited influence on AFP employment terms and conditions. The Australian Government has traditionally recognized this fact and provided additional funding to the ACT to meet the additional policing costs in the Territory. However, the Australian Government’s 2004-05 Budget decision to cease paying Special Revenue Assistance (SRA) to the ACT and instead fund the Territory’s fiscal needs from the GST revenue pool has seen the additional payment for police paid to the ACT drop from \$10.9m in 2003/04 to \$6.3m in 2005/06.
- (3) The Productivity Commission Report on Government Services 2005 (Table 5A.16) demonstrates that the ACT Policing sworn component for financial year 2003/04 was higher than any other comparable period². During the period July 2000 to June 2004 annual real recurrent expenditure also increased by 10.13%. This increase was attributable to recorded increases in police staff numbers of 4.25% and movements in underlying prices as measured by the Consumer Price Index (CPI) of over 8%³.
- (4) The AFP is currently funded to provide 796 Full Time Equivalents (FTE) employees in support of community policing services to the ACT. On a budgeted basis this equates to a split of 581 sworn FTE and 215 unsworn FTE.

Notes

¹ As stated in 2005-06 Budget Paper No. 3 pg 91

² As stated in note C of Table 5A.16 data for financial years 2000-01 onwards is not comparable with 1999-00 data.

³ ABS selected tables from CPI (CAT. NO.6401.0).

**Bushfires—mitigation program
(Question No 600)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 20 September 2005:

- (1) In relation to the Australian Government's Bushfire Mitigation Program released on 17 June 2005, has the ACT Rural Fire Service or any other ACT Emergency Service departments applied for federal funding to conduct bushfire mitigation works, such as the maintenance of fire trails or other fire prevention strategies; if not, why not;
- (2) If funding has been applied for through the Bushfire Mitigation Program, (a) what are the projects that have been planned, (b) where are they located and (c) what is the estimated total cost;
- (3) Are there any bushfire mitigation projects planned by the ACT Government during this budget year that are not applying for federal bushfire mitigation funding; if so, what are these projects and why is funding not being applied for.

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

- (1) Yes.
- (2) 2004/05 funding allocations under the Commonwealth Bushfire Mitigation Program (BMP) are available on the website of the Commonwealth Department of Transport and Regional Services (www.dotars.gov.au), and include a full list of individual works with their location, type and cost. In summary, there were 15 activities on land managed by ACT Forests of which \$163, 427 federal funding was provided; 4 activities on land managed by Environment ACT of which \$76,161 federal funding was provided and one activity on rural lease of which federal funding of \$412 was provided.
- (3) Bushfire mitigation projects are currently being assembled to fully utilise the ACT apportionment of the funds available under the BMP for 2005/06. Applications for this funding close on 30 September 2005.

**Water—gauging stations
(Question No 601)**

Mrs Dunne asked the Minister for the Environment, upon notice, on 20 September 2005:

- (1) What are the locations of gauging stations identified in *Think Water Act Water* water resources management plan;
- (2) Have any gauging stations been (a) been moved, re-identified or in any way changed and (b) added since the publication of the 1999 water resources management plan; if so, what are the details;
- (3) Are there gauging stations for the Corin, Bendora and Lower Cotter sub-catchments;

- (4) What is the “water balance method”, see Volume 3, pages 30, 32 and 34, of *Think Water Act Water*;
- (5) What is the “mass balance method”, see Volume 3, page 74, of *Think Water Act Water*.

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

- (1) The gauging stations identified in *Think Water Act Water* and their locations are detailed in the table below.

Gauging station	Location
410731	Gudgenby River downstream of Naas confluence
410772	Sullivans Creek at Southwell Park
410713	Paddys River at Riverlea property
410743	Jerrabomberra Creek at the Four Mile Creek confluence
410711	Gudgenby River just upstream of the Naas confluence
410736	Orroral River at the Orroral road crossing
410745	Yarralumla Creek at Curtin
410705	Molonglo River at Burbong Bridge
410751	Ginninderra Creek at the Barton Highway
410775	Sullivans Creek at Barry Drive
410781	Queanbeyan River just upstream of Googong Reservoir
410750	Ginninderra Creek at Charnwood
410765	Lake Ginninderra at Dam

- (2) One gauging station used in the 1999 Water Resources Management Plan (410774 Burra Creek at Burra Road) was not used in the current Management Plan. At this site the gauging station has silted up making the more recent data unreliable. In addition to the above list, a set of gauging stations in the Cotter catchments and at Googong Reservoir not specifically identified in *Think water act water* were used to provide data for the water balance model. These stations are detailed in response to the question below.
- (3) Yes. Gauging stations in the Corin, Bendora and Lower Cotter subcatchments used in the water balance method are detailed below

410730	Cotter River at Gingera upstream of Corin Reservoir
410742	Corin Reservoir at Dam
410717	Bendora Reservoir at Dam
410704	Cotter Reservoir at Dam
410700	Cotter River below Cotter Dam
410748	Googong Reservoir at Dam

- (4) The water balance method is a way of estimating the flow that would have occurred in a river if the dam upstream had not been constructed. With this method all inflows, diversions and losses from a reservoir are taken account of. By mathematically removing diversions and losses, the “pre-dam” flow at a site downstream of an existing reservoir can be calculated.
- (5) The mass balance method was used in *Think Water Act Water* to calculate, in part, the flows for the Parkwood subcatchment. Flows derived from the Parkwood section of the entire Ginninderra Creek catchment were identified by subtracting flows for the part of Ginninderra catchment upstream of Parkwood from the flows at the gauging station in Parkwood itself.

**Education—Gungahlin senior college
(Question No 603)**

Mrs Dunne asked the Minister for Education and Training, upon notice, on 20 September 2005:

- (1) Has the Government commenced its feasibility study into a new Gungahlin senior college; if so, when did this study commence and when will it be completed; if not, why not, and when will it commence and be completed;
- (2) Is it correct that the Minister's office told the Gungahlin Community Council that 300 students would be needed before the college would be built;
- (3) Has the Government done any preliminary work to see how many parents would currently prefer to send their child to a Gungahlin senior school, if available, rather than have them transported to other colleges across Canberra; if so, what are the details; if not, why not, and when will such work be undertaken;
- (4) How many students from Gungahlin suburbs are currently attending colleges elsewhere in Canberra and what is the breakdown per college.

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

- (1) The government has not commenced the feasibility study. A feasibility study will be undertaken prior to the establishment of a Gungahlin College.
- (2) The Gungahlin Community Council was advised by my office that the establishment of a new ACT Government secondary college requires a minimum enrolment threshold of approximately 300 year 11 students.
- (3) The government has not undertaken any surveys to see how many parents would currently prefer to send their child to a Gungahlin secondary college. The government has no plans to do so. Planning for a new college will be undertaken on the basis that the college will open with a level of year 11 enrolments to sustain a broad and vibrant range of courses.
- (4) In February 2005 there were a total of 401 government secondary college students resident in Gungahlin. Six students were enrolled at Canberra College; 66 students were enrolled in Copland College; 66 students were enrolled at Dickson College; 53 students were enrolled at Hawker College; 179 students were enrolled at Lake Ginninderra College and 31 students were enrolled at Narrabundah College.

**Children—additional preschool hours
(Question No 605)**

Mrs Dunne asked the Minister for Children, Youth and Family Support, upon notice, on 20 September 2005:

- (1) Since the Government increased preschool hours for four year olds from 10.5 to 12 hours a week, how many children have utilised the additional hours on offer;

- (2) What has been the total cost of these additional hours to Government to date;
- (3) Has the expense to date been within budget; if not, why not, and where is any additional funding coming from;
- (4) Will the increased preschool hours be an ongoing scheme; if not, why not;
- (5) Does the Government have any plans to increase preschool hours for (a) four years olds any further and (b) other aged preschoolers; if so, what plans are in place; if not, why not.

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

- (1) 983.
- (2) \$87 500.
- (3) Yes.
- (4) Yes.
- (5) As yet there are no plans to further increase the hours for four year olds or for other aged preschoolers. As this is a recent initiative, it will be monitored to see if it is meeting the needs of the ACT Community.

Ngun(n)awal ceremonies (Question No 606)

Mrs Burke asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 21 September 2005:

- (1) What are the processes and procedures for the selection of Ngunnawal people to conduct 'Welcome to Country' ceremonies in the ACT;
- (2) On the matter of equity, how is remuneration calculated in payment of duties performed for Aboriginal speakers and performers at events as opposed to non-Aboriginal people and from which Departments are these payments made;
- (3) Is the payment automatically made once a booking is confirmed even if the nominated person fails to present him or herself for duty at the event;
- (4) Is payment still made if that person, who may be unable to attend for whatever reason, sends a relative in their place;
- (5) Is there a recommended scale of fees for Aboriginal people performing 'Welcoming Ceremonies'; if so, will the Minister provided this information; if not, why not.

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

- (1) Individuals and organisations negotiate their own arrangements in relation to "Welcome to Country" ceremonies.

- (2-5) Remuneration and/or payment processes for speakers and performers are worked out with organisers and are not matters for the ACT Government.

**Arts and letters—festival funding
(Question No 609)**

Mr Smyth asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 21 September 2005:

- (1) Have applications for Festivals Fund grants been decided or allocated for the 2005-06 financial year; if so, which organisations received Festivals Fund grants; if not, when do submissions open and close and when will recipients be announced;
- (2) What is the total pool of funding available in 2005-06 for Festivals Fund grants and how does this figure compare to the amount available in (a) 2004-05 and (b) 2003-04;
- (3) Which organisations received Festivals Fund grants in 2004-05.

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

- (1) The 2006 round of the ACT Festival Fund closed on 11 July 2005 and successful and unsuccessful applicants were notified of the outcome on 19 September 2005. A list of successful applicants is attached.
- (2) The Government has allocated \$250,000 in the 2005-06 Budget for the Festival Fund. Of this budget a total of \$220,000 was allocated for the 2006 funding round. The remaining funds represent:
 - \$10,000 allocated for **Quick Response Funding** offered throughout the year for significant opportunities that arise unexpectedly outside the Funding round; and
 - \$20,000 allocated for **Specific Strategic Initiatives** developed by the Department for activities including education and skills development for the festival sector.

The Festival Fund budget allocation for the 2003-04 and the 2004-05 financial years was equivalent to that for the 2005-06 budget above.

- (3) A list of Festival Fund grant recipients for the 2005 round is attached.

ATTACHMENT 1

**2006 ACT FESTIVAL FUND RECIPIENTS
2005-06 FINANCIAL YEAR
(Alphabetical Order)**

	Applicant	Purpose	Amount Approved
1	Academy of Interactive Entertainment	To assist with costs associated with presenting the Canberra Games Festival in 2006.	\$12,764
2	ACT Writers Centre	To assist with costs associated with presenting a Readers and Writers Festival in 2006.	\$14,727
3	Belconnen Community Service	To assist with costs associated with presenting the Belconnen Festival in 2006	\$17,000

4	Bucket Juice	To assist with costs associated with presenting Bucket Juice – a concert and exhibition of Canberra music memorabilia in 2006.	\$6,328
5	Canberra International Film Festival Inc	To assist with costs associated with presenting the 2006 Canberra International Film Festival	\$20,000
6	Communities @ Work Inc	To assist with costs associated with presenting the 2006 Up The Creek Arts Festival – a free community event in Weston Creek.	\$4,800
7	Conflux	To assist with costs associated with presenting Conflux – a science fiction conference in 2006.	\$5,100
8	EOR Media	To assist with costs associated with presenting the Short::Seasons film festival & the Canberra Short Film Festival in 2006.	\$19,835
9	Manning Clarke House Inc	To assist with costs associated with presenting the 2006 Canberra Weekend of Ideas.	\$10,500
10	Mortimer, Mr Ian	To assist with costs associated with developing the National Heritage Sideshow Carnival.	\$14,700
11	Northside Community Service	To assist with costs associated with presenting the 2006 Majura Festival.	\$10,510
12	Pro Musica Inc	To assist with costs associated with presenting the 12th Canberra International Chamber Music Festival in 2006.	\$20,000
13	Stevenson, Ms Nina	To assist with costs associated with presenting the Canberra Festival of One Act Plays in 2006	\$9,300
14	Tuggeranong Community Arts Assoc Inc	To assist with costs associated with presenting the Lake Tuggeranong Lunar Festival in 2006	\$15,100
15	Tuggeranong Community Festival	To assist with costs associated with presenting the 2006 Tuggeranong Community Festival.	\$15,420
16	Warehouse Circus Inc	To assist with costs associated with presenting World Juggling Day in 2006.	\$13,000

ATTACHMENT 2

**2005 ACT FESTIVAL FUND RECIPIENTS
2004-05 FINANCIAL YEAR
(Alphabetical Order)**

	Applicant	Purpose	Amount Approved
	Arts & Recreation Training	To assist with costs associated with presenting a Pacific Islands Festival in 2005.	\$9,705
	Belconnen Community Service	To assist with costs associated with presenting the Belconnen Festival in 2005.	\$17,000
	Canberra Balloon Fiesta	To assist with costs associated with presenting the 2005 Canberra Balloon Fiesta.	\$20,000
	Canberra International Film Festival	To assist with costs associated with presenting the 2005 Canberra International Film Festival	\$25,000
	Craft ACT	To assist with costs associated with presenting Dimensions Variable – a sculpture festival in 2005.	\$20,000
	Direkt Marketing	To assist with costs of undertaking a feasibility study for Direkt Media – a new media festival in 2005.	\$4,350

	EOR Media	To assist with costs associated with presenting the short::seasons film festival & the Canberra Short Film Festival in 2005.	\$23,180
	Manning Clark House Inc	To assist with costs associated in presenting the 2005 Canberra Weekend of Ideas.	\$7,500
	Northside Community Service	To assist with costs associated in presenting the 2005 Majura Festival.	\$18,937
	Pro Musica inc	To assist with costs associated in presenting the 11th Canberra International Chamber Music Festival in 2005.	\$20,000
	Stevenson, Nina	To assist with costs associated in presenting the Canberra Festival of One Act Plays in 2005.	\$9,300
	Tuggeranong Community Arts Assoc Inc	To assist with costs associated in presenting the Lake Tuggeranong Lunar Festival in 2005.	\$15,000
	Tuggeranong Community Festival	To assist with costs associated in presenting the 2005 Tuggeranong Community Festival.	\$17,000
	Warehouse Circus Inc	To assist with costs associated in presenting World Juggling Day in 2005.	\$13,000

Finance—residential rates revenue (Question No 610)

Mr Smyth asked the Treasurer, upon notice, on 21 September 2005, (redirected to the Acting Treasurer):

- (1) What was the estimate for revenue to be derived from residential rates imposed on single standard residential properties and on other categories of residential properties for the (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 financial years;
- (2) What was the quantum of revenue derived from residential rates imposed on single standard residential properties and on other categories of residential properties for the (a) 2002-03, (b) 2003-04 and (c) 2004-05 financial years;
- (3) Where there are significant differences in a particular year between an estimate of revenue to be generated and the actual revenue collected, what are the reasons for these differences.

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

- (1) Revenue estimates are not segregated into a breakdown of single standard residential properties and other categories. The rates from the whole residential sector in each budget are estimated as follows:

	2002-03	2003-04	2004-05	2005-06
Budget estimate of residential rates (\$)	97,056,517	101,977,748	106,574,179	124,022,602

The actual rates revenue for residential and non-residential sector cannot be segregated in the revenue receiving system.

- (2) and (3) Variance analysis is not available because actual receipts from residential sector cannot be segregated from non-residential sector

Tourism—ministerial agreements (Question No 611)

Mr Smyth asked the Minister for Tourism, upon notice, on 21 September 2005, (redirected to the Acting Minister for Tourism):

- (1) How will the Territory benefit from the recent signing of a new Tourism Ministers' "formal partnership and goodwill agreement";
- (2) How is the ACT Government working in cooperation with the Federal Government to better promote Canberra and its tourism assets.

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

- (1) The Intergovernmental Arrangement (IGA) recently signed by tourism ministers in all states and territories primarily provide a framework for intergovernmental collaboration in key areas that increase the contribution of tourism to Australia's economy, environment and society, while maintaining respect for the organisational imperatives of the parties to the Arrangement.

Benefits for the ACT are as follows:

- Opportunities for collaboration in international marketing programs;
 - Australian Capital Tourism (ACTC) collaborates with Tourism Australia and Tourism New South Wales to market the Territory in key target markets of South East Asia including Singapore, Malaysia, China and New Zealand. Programs include the *Aussie Specialist Program*, *Oz Talk*, and *Best of Australia*,
 - ACTC participates in Tourism Australia's Regional Strategy meetings each year which cover Hong Kong, China and North Asia markets to access promotional opportunities and campaigns that originate from these markets,
 - The appointment of an 'in-market' representative based in Singapore in Tourism Australia's offices, to work with Tourism Australia to explore promotional opportunities for ACTC in target markets. Recently the ACT and region was extensively promoted in Singapore through the production of a publication of a Canberra supplement, *8 Days* widely circulated in Singapore through *Media Corp*, one of Singapore's most dynamic publishing companies,
 - Participation in Australian Tourism Exchange (ATE) the Australia's premier tourism trade event and the largest international travel trade show in the southern hemisphere. The event organised by Tourism Australia provides a forum for Australian tourism businesses (sellers) such as hotels, airlines, tour companies and transport providers to meet with top international wholesalers (buyers), and
 - Participation in Destination Australia Marketing Alliance (DAMA), a marketing alliance between Tourism Australia and states and territories to stimulate the domestic tourism sector. Programs include the Visiting Journalists Program (VJP), a valuable marketing tool for ACTC.
- Opportunities for collaboration in domestic marketing programs;

- Regional tourism partnerships - ACTC is a participant in Project SCAN, a \$1.5 million project supported by Australian Government's Australian Tourism Development Program to stimulate the growth of tourism in the region.
- Access to research and statistics through Tourism Research Australia.
- Mutual cooperation through high level forums including:
 - Australian Standing Committee on Tourism (ASCOT)
The Committee's main objective is to improve co-operation and co-ordination of Government policies and activities as they affect tourism. ASCOT meets twice annually and comprises representatives of the relevant Ministers' departments and Tourism Australia,
 - Tourism Ministers' Council (TMC)
The main role of the Tourism Ministers' Council (TMC) is to facilitate consultation and policy co-ordination between members on tourism matters. Council members include Ministers responsible for tourism from the Commonwealth, each State and Territory and New Zealand. Representatives from Norfolk Island and Papua New Guinea hold observer status. The TMC meets annually, and
 - Participation in Australian Tourism Data Warehouse, a central database of Australian tourism product information containing details of Australian accommodation, destination information, events, tour and transport products. This national database is utilised by regional, national and global websites.

(2)

- ACTC works cooperatively on collaborative marketing campaigns with the Federal Government to develop special features that reflect the nation's capital. Examples include:
 - the Summer of Silver Marketing Campaign in 2004 in collaboration with participating national institutions including the National Gallery of Australia, the National Archives of Australia, the National Library of Australia and the National Portrait Gallery,
 - The *Rock 'n' Roll Trail* in 2005 to promote the national capital as well as Floriade in which 15 attractions are participating. Major daily newspaper 'liftouts' contributed to by all major institutions and private sector attractions were placed in the *Sydney Morning Herald*,
 - 12 attractions will participate in the *Directors Cut* function to engage Federal politicians in early 2006,
 - Project SCAN (Detailed under (1) above), and
 - ACTC works with the Federal Department of Tourism, through Tourism Australia to promote tourism both nationally and overseas. (Detailed under (1) above).

**Libraries—missing items
(Question No 619)**

Mrs Dunne asked the Speaker, upon notice, on 21 September 2005:

- (1) How many items are currently unaccounted for in the ACT Government and Assembly Library;
- (2) What is the estimated or approximate value of these unaccounted for items;
- (3) What is the breakdown between overdue loans and missing items;
- (4) What steps, if any, are being taken to ensure that adequate security is maintained to minimise the loss of the library's resources.

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

- (1) 19 items are deemed as unrecoverable (lost)
- (2) The total cost of these items is \$181.45
- (3) There are 83 items that are considered overdue at the present time. However, the majority of these items will be returned.
- (4)
 - The library is secured each weeknight from 5.00pm until 8.30am and for the whole of the weekend.
 - Library staff are in attendance during library opening hours.
 - Materials are only lent to Members of the Legislative Assembly and their staff and permanent officers of the ACT Government.
 - If materials are not returned by the due date then overdue notices are sent out as a reminder. These notices are usually successful in ensuring the return of outstanding material.

Motor vehicles—home-garaged (Question No 620)

Mrs Dunne asked the Chief Minister, upon notice, on 21 September 2005:

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for each car, how many
 - (i) kilometres were driven to and from work and
 - (ii) kilometres were driven for work purposes.

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

As Minister for the Environment I shall be providing a separate response in relation to Environment ACT.

The remaining branches of Chief Minister's Department use no ACT Government number-plated cars. In this context the answer to the Member's question is as follows:

- (1) Nil
- (2) Nil
- (3) Nil

**Motor vehicles—home-garaged
(Question No 621)**

Mrs Dunne asked the Attorney-General, upon notice, on 21 September 2005:

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for each car, how many (i) kilometres were driven to and from work and (ii) kilometres were driven for work purposes.

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

- (1) Two cars.
- (2) One. The second vehicle was previously garaged at the work place, however due to the premises being broken into and the vehicle being vandalised it is now home-garaged.
- (3) (a) One car.
(b) Hackett.
(c) (i) Registration number: 210-948, 336 kms were driven to and from work.
(ii) Registration number 210-948, 263 kms were driven for work purposes.

**Motor vehicles—home-garaged
(Question No 622)**

Mrs Dunne asked the Minister for the Environment, upon notice, on 21 September 2005:

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for

each car, how many (i) kilometres were driven to and from work and (ii) kilometres were driven for work purposes.

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

- (1) How many cars, with ACT Government number plates, in the Minister's department are home-garaged every day;

	Number of cars home garaged
Parks and Conservation Vehicles	29 cars
Environment Protection	4 cars
Public Affairs & Information	1 car
Forest	3 cars
Total	37 cars

- (2) How many are garaged by officers on call;

	Number of cars on call
Parks and Conservation Vehicles	10 cars
Environment Protection	1 car
Forest	3 cars
Total	14 cars

- (3) Of those which are not garaged by officers on call;

- (a) How many cars are there;

	Number of cars
Parks and Conservation Vehicles	19 cars
Environment Protection	3 cars
Public Affairs & Information	1 car
Total	23 cars

- (b) in which suburbs are they garaged;

Florey, Monash, Chisholm, Calwell, Fraser, Giralang, Deakin, Higgins, Kaleen, Macarthur, Richardson, Weston, Holt, Duffy, Aranda, Kambah, Queanbeyan, Gordon, Farrer, Gowrie, Jerrabomberra, Rivett, Theodore, Banks, Cook, Burra, Tharwa, Pialligo, Mawson, Michelago, Charnwood, Gungahlin, O'Connor and Amaroo

- (c) (i) Kilometres were driven to and from work; and

	Car	Kilometres were driven to & from work
Parks and Conservation Vehicles	Car1	126 km
	Car 2	68 km
	Car 3	70 km
	Car 4	53 km
	Car 5	332 km
	Car 6	77 km
	Car 7	162 km
	Car 8	52 km
	Car 9	169 km
	Car 10	88 km
	Car 11	247 km
	Car 12	194 km

	Car 13	113 km
	Car 14	111 km
	Car 15	13 km
	Car 16	59 km
	Car 17	168 km
	Car 18	32 km
	Car 19	371 km
Environment Protection	Car 1	56 km
	Car 2	74 km
Note Cars 1-4 rostered on call on rotation	Car 3	114 km
	Car 4	224 km
Public Affairs & Information	Car 1	238 km

(c) (ii) Kilometres were driven for work purposes

	Car	Kilometres for work purposes
Parks and Conservation Vehicles	Car 1	455 km
	Car 2	555 km
	Car 3	503 km
	Car 4	695 km
	Car 5	382 km
	Car 6	391 km
	Car 7	681 km
	Car 8	525 km
	Car 9	488 km
	Car 10	511 km
	Car 11	448 km
	Car 12	443 km
	Car 13	270 km
	Car 14	751 km
	Car 15	351 km
	Car 16	308 km
	Car 17	510 km
	Car 18	394 km
	Car 19	913 km
Environment Protection	Car 1	221 km
	Car 2	380 km
	Car 3	292 km
	Car 4	490 km
Public Affairs & Information	Car 1	134 km

Motor vehicles—home-garaged (Question No 623)

Mrs Dunne asked the Treasurer, upon notice, on 21 September 2005, (redirected to the Acting Treasurer):

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for each car, how many (i) kilometres were driven to and from work and (ii) kilometres were driven for work purposes.

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

- (1) 5;
- (2) 3;
- (3) (a) 2;
(b) Gungahlin; Fadden; and
(c) (i) 440; 213; and
(ii) 190;123.

**Motor vehicles—home-garaged
(Question No 628)**

Mrs Dunne asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2005:

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for each car, how many (i) kilometres were driven to and from work and (ii) kilometres were driven for work purposes.

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

- (1) Fourteen.
Twelve vehicles are home garaged as there is no secure parking available on site.
- (2) Two.
- (3) (a) Twelve.
(b) Kaleen
Wanniassa
Scullin
Narrabundah
Nicholls
Holt

	Macquarie	
	Lyneham	
	Weetangera	
	Fraser	
	Duffy	
	Palmerston	
(c) (i)	Reg 212 203	146km
	Reg 212 204	76km
	Reg 211 682	182km
	Reg 211 190	62km
	Reg 211 572	182km
	Reg 212 212	101km
	Reg 212 202	62km
	Reg 211 026	168km
	Reg 212 201	171km
	Reg 211 430	100km
	Reg 211 451	150km
	Reg 211 573	257km
(d) (ii)	Reg 212 203	187km
	Reg 212 204	134km
	Reg 211 682	118km
	Reg 211 190	138km
	Reg 211 572	111km
	Reg 212 212	110km
	Reg 212 202	193km
	Reg 211 026	244km
	Reg 212 201	138km
	Reg 211 430	158km
	Reg 211 451	283km
	Reg 211573	451km

**Motor vehicles—home-garaged
(Question No 630)**

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 21 September 2005:

- (1) How many cars, with ACT Government numberplates, in the Minister's department 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 19 September 2005, for each car, how many (i) kilometres were driven to and from work and (ii) kilometres were driven for work purposes.

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

- (1) 25 vehicles
 - (2) 25 vehicles
 - (3) Not applicable
-

Education—bullying (Question No 634)

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 21 September 2005:

- (1) How many cases of bullying of teachers by teachers were referred to and/or investigated by ACT WorkCover in (a) 2003-2004, (b) 2004-2005 and (c) 2005-to date;
- (2) If ACT WorkCover does not collect such specific data, why not.

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

- (a), (b) and (c) – ACT WorkCover does not collect such specific data.
-

Waste disposal—computers (Question No 636)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) What are the current disposal options for Canberra residents wishing to dispose of computers in an environmentally friendly way, given that computer equipment can cause environmental damage through chemical leakage;
- (2) Is the Government aware of the "e-waste recycling scheme" trial currently underway in Victoria;
- (3) Would the Government consider a similar trial in the ACT to assist in the disposal of unwanted computers, given that the ACT has one of the highest rates of home computer use; if not, why not.

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

- (1) Canberra residents can dispose of computers at:
 - a. Mugga Lane Landfill or the Mitchell Resource Management Centre. The computers are then forwarded to a computer recycling company in Sydney for processing.
 - b. Additionally in the ACT, the computer company DELL, Charity Computers and ReUse accept computers for re-use and recycling.
- (2) Yes. The Victorian Byteback program was launched in June 2005. Byteback is a partnership between EcoRecycle Victoria, Hewlett Packard, Sims E-Recycling and KS Environmental.
- (3) Yes. While my department has put in place suitable arrangements for the reuse and recycling of computers in the ACT, at present the computer/IT industry is not financially contributing towards these reuse and recycling efforts.
My department is however working with the National Waste Working Group framework to progress a national approach to product stewardship and extended producer responsibility schemes targeting “e-waste” that would operate within the ACT.

Finance—pay parking revenue (Question No 637)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) How much revenue has been raised from pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong each month since January 2004;
- (2) How much revenue has been raised from parking fines issued in Government-owned carparks in (a) Belconnen and (b) Tuggeranong each month since the introduction of pay parking in January 2004;
- (3) How often have pay parking ticket machines in Government-owned carparks been out of use since their installation since the introduction of pay parking in these carparks in (a) Belconnen and (b) Tuggeranong in January 2004;
- (4) How long, on average, are pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong out of use before being (i) attended to and (ii) repaired by Urban Services;
- (5) What has been the total cost of repairs made to pay parking ticket machines in Government-owned carparks in (a) Belconnen and (b) Tuggeranong in (i) 2003-2004, (ii) 2004-2005 and (iii) 2005-to date.

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

- (1) The revenue raised from pay parking ticket machines by month since January 2004 is:

(a) Belconnen

Jan 04	\$29,705.95	Jul 04	\$114,984.75
Feb 04	\$106,172.30	Aug 04	\$110,523.75
Mar 04	\$122,442.05	Sep 04	\$109,266.95
Apr 04	\$116,838.35	Oct 04	\$102,433.45

May 04	\$120,289.65	Nov 04	\$112,428.95
June 04	\$119,033.65	Dec 04	\$133,227.35
Jan 05	\$99,547.00	Jul 05	\$109,202.15
Feb 05	\$99,041.80	Aug 05	\$114,567.90
Mar 05	\$101,011.10		
Apr 05	\$100,359.75		
May 05	\$104,495.30		
June 05	\$104,345.20		

(b) Tuggeranong

Jan 04	NA	Jul 04	\$61,215.00
Feb 04	NA	Aug 04	\$59,521.65
Mar 04	\$67,377.40	Sep 04	\$55,908.65
Apr 04	\$63,402.90	Oct 04	\$48,602.60
May 04	\$62,314.90	Nov 04	\$55,373.40
June 04	\$63,075.90	Dec 04	\$61,154.90
Jan 05	\$40,656.65	Jul 05	\$49,454.70
Feb 05	\$48,420.20	Aug 05	\$51,423.80
Mar 05	\$51,292.10		
Apr 05	\$58,954.95		
May 05	\$62,578.20		
June 05	\$59,561.40		

(2) The revenue raised from parking fines by month since January 2004 is:

(a) Belconnen (These figures include the private car parks located behind the Taxation Building and at Lakeview Square)

Jan 04	\$132.00	Jul 04	\$69,326.00
Feb 04	\$52,470.00	Aug 04	\$53,176.00
Mar 04	\$77,946.00	Sep 04	\$42,908.00
Apr 04	\$65,802.00	Oct 04	\$84,438.00
May 04	\$72,996.00	Nov 04	\$88,604.00
June 04	\$72,946.00	Dec 04	\$76,976.00
Jan 05	\$69,768.00	Jul 05	\$78,890.00
Feb 05	\$63,920.00	Aug 05	\$54,180.00
Mar 05	\$65,892.00		
Apr 05	\$94,724.00		
May 05	\$90,440.00		
June 05	\$67,252.00		

(b) Tuggeranong

Jan 04	NA	Jul 04	\$33,924.00
Feb 04	NA	Aug 04	\$23,596.00
Mar 04	\$17,424.00	Sep 04	\$26,496.00
Apr 04	\$38,082.00	Oct 04	\$25,772.00
May 04	\$33,924.00	Nov 04	\$29,172.00
June 04	\$32,208.00	Dec 04	\$32,474.00

Jan 05	\$20,060.00	Jul 05	\$17,150.00
Feb 05	\$17,710.00	Aug 05	\$17,570.00
Mar 05	\$19,108.00		
Apr 05	\$25,704.00		
May 05	\$24,140.00		
June 05	\$20,264.00		

(3) The total amount of fault calls received for ticket machines since January 2004 is:

- (a) Belconnen, 1087
- (b) Tuggeranong, 743

(4) As ticket machine fault response times are calculated as a total for all areas (i.e. Civic, Belconnen, Tuggeranong, Kingston, Manuka, Woden, Braddon, Turner and Dickson) there are no individual figures available for Belconnen and Tuggeranong.

With the exception of vandalism repairs, all repairs on average are responded to and completed within 13 minutes.

(5) An annual budget of \$150,000 is allocated for repairs and maintenance of all equipment maintained by ACT Parking Operations. No financial cost centres exist for repairs to ticket machines in Belconnen and Tuggeranong.

Roads—speed cameras (Question No 638)

Mrs Dunne asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) How many mobile speed camera vans are there currently in operation in the ACT;
- (2) How many speeding tickets have been incorrectly or invalidly issued by the mobile speed camera vans in 2005 to date;
- (3) If any speeding tickets have been incorrectly or invalidly issued, why did this occur;
- (4) How many speeding infringements issued by mobile speed camera vans have been referred to the Magistrate's Court in 2005 to date;
- (5) Of those infringements considered by the Magistrate's Court, how many infringements were set aside or determined to be invalid in 2005 to date.

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

- (1) There is a fleet of six speed camera vans within the Traffic Camera Office which are used 'on road' on a rotational basis. Currently there are no more than four vans in operation at any one time, however this will increase to five in 2005/06 financial year.
- (2) Based on available information, from 01/01/05 until 22/9/05 The Traffic Camera Office has issued 24 Traffic Infringement Notices that were either invalid or in error, relating to mobile operations. This equates to 0.3% of the total number of infringements issued as a result of mobile operations.

- (3) The reasons for invalid or incorrectly issued infringements include incorrect interpretation or recording of registration numbers and incorrect description of vehicles.
 - (4) The Magistrate's Court advised that to provide this information it would be very resource intensive.
 - (5) ACT Policing and the DPP have advised that they do not have access to this information.
-

**Social welfare—poverty
(Question No 641)**

Dr Foskey asked the Chief Minister, upon notice, on 21 September 2005:

- (1) What work has the ACT Government done on the poverty proofing initiative to date;
- (2) What is the expected work outline on the initiative over the next 12 months;
- (3) Has the Community Inclusion Board had any discussion of the project to date, or finalised or provided its advice yet;
- (4) How often does the Community Inclusion Board meet;
- (5) Is the Government planning to apply a poverty proofing trial of any sort to the 2006-07 ACT Government Budget;
- (6) Has the ACT Government consulted with any other bodies about the initiative to date; if so, with which bodies;
- (7) When does the Government plan to make public any of its work on this initiative.

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

- (1) A consultant was engaged to provide a report on existing poverty proofing measures around the world, an overview of the merits of each approach and options for the ACT.
 - (2) This is still under consideration.
 - (3) The poverty proofing trial was discussed at the August 2005 Community Inclusion Board meeting.
 - (4) The Community Inclusion Board meets quarterly.
 - (5) This is a matter for consideration in the Budget context.
 - (6) Prior to writing the report the consultant spoke to stakeholders within Government and ACTCOSS hosted a community sector meeting for community organisations and interested individuals to meet with the consultant.
 - (7) The Government will make public its work on this initiative in the near future.
-

**Immigration—multicultural affairs
(Question No 642)**

Dr Foskey asked the Minister for the Environment, upon notice, on 21 September 2005:

- (1) What meetings has the Minister held with the different multicultural groups that made up the Ministerial Advisory Council on Multicultural Affairs (MACMA);
- (2) When were these meetings held;
- (3) What formal advice has been provided to the Minister by these groups since the disbandment of MACMA;
- (4) What was the ACT Government's response to the advice given;
- (5) Has the ACT Multicultural Council (ACTMC) picked up any of the work that MACMA had left; if so, what work is this;
- (6) Can a copy of the ACTMC 2005-06 work plan be provided;
- (7) How many members make up the ACTMC;
- (8) What are the responsibilities of the ACTMC members;
- (9) On what dates has the ACTMC met so far in 2005;
- (10) What work has the ACTMC predominately undertaken since January 2005;
- (11) What formal advice has the ACTMC provided to the Minister since January 2005;
- (12) What was the ACT Government's response to the advice given.

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

- (1) The Chief Minister appointed the members of MACMA on the basis of their ability to represent the concerns and views of the broader multicultural community rather than on the basis of their representation from particular multicultural groups. However, I have met face-to-face with over 200 representatives from 40 local multicultural communities during the past four months. This has provided me with the opportunity to sit down with the leadership of these groups, including with many numerically smaller culturally based groups, and listen to their concerns. I now have a clearer insight of the issues that confront members of these groups. I plan to continue to meet directly with members of Canberra's multicultural groups on a regular basis.
- (2) 15 June 2005; 6 July 2005; 7 July 2005; 31 August 2005; and 13 September 2005.
- (3) N/A
- (4) N/A
- (5) No

(6) - (10) These questions should be directed to the ACT Multicultural Council Inc.

(11) Nil

(12) N/A

**Animals—welfare
(Question No 643)**

Dr Foskey asked the Minister for the Environment, upon notice, on 21 September 2005:

- (1) Can a copy of the Animal Welfare Advisory Council (AWAC) 2005-06 work plan be provided;
- (2) How many members make up the AWAC;
- (3) What are the responsibilities of the AWAC members;
- (4) On what dates has the AWAC met so far in 2005;
- (5) What work has the AWAC predominately undertaken since January 2005;
- (6) What formal advice has the AWAC provided to the Minister since January 2005;
- (7) What was the ACT Government's response to the advice given.

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

- (1) A 2005-06 work plan for the Animal Welfare Advisory Committee (AWAC) has not been developed.
- (2) Nine members make up the AWAC.
- (3) The Committee is a statutory body established under the *Animal Welfare Act 1992*. The Committee represents community views on animal welfare in the ACT. The Committee facilitates the development of a balanced and coordinated approach to animal welfare matters and provides expert advice to the Minister on animal welfare issues.

The specific functions of the Committee are:

- (a) To advise the Minister on any matters relating to existing or proposed legislation affecting the welfare of animals;
- (b) To investigate and advise the Minister of any matter, policy or practice affecting the welfare of animals;
- (c) To participate, in conjunction with the Animal Welfare Unit, in the development of codes of practice relating to animals and their welfare and to review and endorse existing codes where appropriate;
- (d) To provide advice to government and non-government bodies on programs to improve community awareness about animals and their humane treatment; and

- (e) To provide the Minister with a copy of the Minutes of each AWAC meeting and to report annually to the Minister on the activities and achievements of the Committee.
- (4) The most recent Animal Welfare Advisory Committee meeting was on 15 December 2004.
- (5) There has been no formal work undertaken by the Animal Welfare Advisory Committee since the December 2004 meeting, as the Chair of the AWAC resigned his membership in February 2005. Consequently, a process to select and appoint a new Chair is being progressed with a recommendation currently being prepared for Government. It is expected that the appointment process will be finalised and the Committee able to resume meetings before the end of the year.
- While there has been no formal work undertaken by the Animal Welfare Advisory Committee, Environment ACT has recently sought out-of-session advice from AWAC members about the membership of various sectoral working groups for the implementation of the Australian Animal Welfare Strategy.
- (6) There has been no formal advice from the Animal Welfare Advisory Committee to the Minister since the December 2004 meeting as the Chair of the AWAC resigned his membership in February 2005.
- (7) There has been no requirement for an ACT Government response.

Transport—ACTION services (Question No 649)

Mr Pratt asked the Minister for Planning, upon notice, on 21 September 2005:

- (1) Why did the northbound number 34 bus refuse passenger boardings at approximately 8:40 am on the morning of 9 September 2005 in Hughes;
- (2) Was it a result of the bus reaching its maximum number of allowable passenger boarding's; if not, what was the reason;
- (3) On how many occasions has this happened in the past 12 months on (a) bus 34 and (b) all other buses during (i) the morning commute, (ii) the afternoon commute and (iii) all other times;
- (4) Is it acceptable for patrons to wait for another bus, making them late for work, school or otherwise; if so, why;
- (5) Are additional buses planned for this service; if not, why not;
- (6) Are additional buses planned for other services identified in part (3) (b); if not why not;
- (7) Has a separate bus for school children that use bus 34 been considered; if so, will it be implemented; if not, why not;
- (8) What services that operate using ACTION buses are strictly for school passenger use only.

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

- (1) Northbound Route 34 bus, 8:40am on 9 September 2005 had reached its maximum passenger capacity.
 - (2) Yes.
 - (3) (a)(i) Patronage is monitored weekly and service adjustments are made to ensure sufficient bus capacity meets patronage demand. This is particularly important with the continuing rising trend of adult worker patronage. It is not a usual occurrence for stops to be skipped, as service adjustments are made as demand grows.
 - (ii) Refer Answer (3)(a)(i)
 - (iii) Refer Answer (3)(a)(i)
 - (b)(i) Refer Answer (3)(a)(i)
 - (ii) Refer Answer (3)(a)(i)
 - (iii) Refer Answer (3)(a)(i)
 - (4) No.
 - (5) An additional service is provided during school term. Patronage is monitored weekly and service adjustments are made to ensure sufficient bus capacity meets patronage demand.
 - (6) Refer Answer (5).
 - (7) Refer Answer (5). The augment runs as a Route 34 and usually effectively caters for additional school children patronage.
 - (8) ACTION operates a total of 315 school services daily and are provided independently from the regular route services. ACTION gives priority for dedicated school services to schools that do not have close access to the standard route services.
-

Transport—ACTION services (Question No 650)

Mr Pratt asked the Minister for Planning, upon notice, on 21 September 2005:

- (1) What bus services provide direct access to the Canberra Eye Hospital that has recently moved its premises to Wormald Street, North Symonston;
- (2) If there are no bus services why not and will a service be implemented;
- (3) Is it acceptable that the bus routes 35, 36, 38, 39 listed for the eye hospital can only drop patients on the other side of the Monaro Highway, making it near impossible for patients to access due to natural and unnatural hazards; if so, why;
- (4) Is it acceptable that the two services that do run closer to the eye hospital (number 83 and the reverse route number 86) only run to and from the Woden interchange, forcing passengers to transfer buses at least once if they are coming from other regions; if so, why;

- (5) Is it acceptable that service number 83 runs only five times a day to enable a passenger to arrive near the eye hospital within business hours; if so, why;
- (6) If a patient were to have an appointment say at 2 pm, do they have any other options than catching the 11:45 am bus 83 from Woden Interchange and waiting approximately one and a half hours at the hospital before their appointment; if not, why not;
- (7) If the same patient finishes their appointment at 2:30 pm, do they have any other options than catching the 4:43 pm bus from Lithgow St terminus, the closest stop listed on timetable, forcing them to wait close to another two hours at the hospital or another nearby location and not arriving at Woden interchange until 5:21 pm; if not, why not;
- (8) Is it acceptable that the patient listed in parts (5) and (6) takes over five and a half hours for the round trip from the Woden interchange, not including any further travel that may be necessary; if so, why;
- (9) Are there any plans to increase the services to the Canberra Eye Hospital; if not, why not;
- (10) What community transport options are available to patients of the Canberra Eye Hospital, when in some cases they are only given 24 hours notice of an appointment at the hospital.

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

- (1) Routes 80, 83 and 86 currently provides services near to the Canberra Eye Hospital.
- (2) ACTION is currently reviewing its services in the area.
- (3) These routes have been in place prior to the opening of the Canberra Eye Hospital and are not designed to service the eye hospital. As part of ACTION's network review it will be assessing all routes.
- (4) It is ACTION's policy to ensure bus services are as close to key medical facilities as possible. Currently, there are three services that are available, to the new Canberra Eye Hospital, two originating in Woden and one from Civic.
- (5) Current patronage and running time checks indicate sufficient frequency and bus capacity is available to meet the patronage demand to the Canberra Eye Hospital. However, ACTION will continue to monitor patronage demand.
- (6) Yes. The patient could depart from Woden interchange on Route 83 at 1:15pm and get to the near the Eye hospital at approximately 1:50pm.
- (7) Yes. The patient could depart from the closest bus stop near the Canberra Eye Hospital at approximately 3:10pm on Route 83 and arrive at Woden interchange at 3:46pm.
- (8) The round trip in the described scenarios would be approximately 2 hours and 31 minutes, not over 5 and a half hours .
- (9) Yes.
- (10) Patients that are already part of the Taxi Subsidy Scheme would be able to utilise this service for short notice appointments as well as any eligible *Home and Community Care* clients are able to access community transport. For those in the community not associated with these programs, ACTION regular route services are available.

Cycling—Curtin bike path (Question No 651)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) Further to a letter to the editor “Bike path missed” *The Canberra Times*, 29 August, page 10, can the Minister identify where this recreation path is in North Curtin that has been “seeded” rather than upgraded;
- (2) Why has this recreation path been allowed to deteriorate to such a level that it was not considered worth saving;
- (3) How many people currently make use of the path on average each day;
- (4) If the accurate usage level for this section cannot be ascertained how can the Minister be sure it is not an important link in the path network;
- (5) Will this policy lead to the degradation of other similar paths in Canberra that are regularly used by the community; if not, why not;
- (6) How much funding was appropriated for path maintenance in the (a) 2001-02, (b) 2002-03, (c) 2003-04 and (b) 2004-05 budget years;
- (7) How much funding has been appropriated this budget year for path maintenance and how much of that has been spent to date;
- (8) Is the amount appropriated for this year expected to cover all required maintenance projects and other planned operations; if not, why not.

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

- (1) The path was between Jennings Street and the North Curtin District Playing Fields.
- (2) The path was of substandard construction.
- (3) No records were taken of the use of the path.
- (4) The path does not link high activity centres. An alternative route is available for most of the length using an existing fire trail or the residential street system.
- (5) No, this path is the only path known to be constructed in Canberra in this substandard manner.
- (6)

Funding Year	Path Maintenance Appropriation \$
2001-02	1,000,000
2002-03	1,953,125
2003-04	2,683,638
2004-05	3,029,300

- (7) The 2005/06 budget does not detail a separate amount for path maintenance other than the Footpath Maintenance initiative of \$665,000. \$527,916.94 has been spent on path maintenance so far this financial year.
- (8) No there is a backlog of path maintenance projects.

Graffiti (Question No 652)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) Further to the Minister's media release of 16 August titled "Program to literally colour in Canberra!" where it stated that "The development of artwork on public and private assets that are prone to illegal graffiti is one approach to reducing its incidence", what other approaches is the Government undertaking at present to reduce the incidence of graffiti;
- (2) Could detail be provided regarding the success of these other approaches and the cost of each approach;
- (3) Have the severity of fines or convictions increased since 2001-02; if not, why not;
- (4) Is there any empirical evidence to suggest that the use of artwork on public and private assets reduces the incidence of graffiti in Canberra; if so, can that evidence provided; if not, why not.

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

- (1) The Government is undertaking a comprehensive proactive approach to graffiti management as outlined in the ACT Graffiti Management Strategy, that seeks to strike a balance between prevention, removal, diversion, community awareness and involvement, and legislation. The Strategy is available at <http://www.parksandplaces.act.gov.au/policies/graffitistrategy.html>
- (2) The ACT Graffiti Management Strategy was released in August 2004 with many actions commenced. Due to the short period for which many of these actions have been implemented, few have yet been subject to comprehensive evaluation.

The Graffiti Art Workshops conducted in 2004-05 through a partnership with Urban Services' and Arts and Recreation Training ACT were evaluated following the completion of the project. Evaluation showed that the project achieved the following outcomes:

- Youth at risk of illegal graffiti were successfully engaged.
- Highly motivated participants benefited and improved their art skills and became more confident in their social interactions. Some students continued on to further art education within their limited budgets.
- The workshops provided an environment conducive to learning about graffiti and the law and also introduced students to safe art practices.
- Work on public murals enabled increased contact between the target group and other members of the community to help break down social stereotypes and improve relationships between the two groups.

The cost of projects implemented during 2004/05 follows:

Graffiti management forum for key stakeholders	\$1,245
Establishment of graffiti writer's consultation group	\$4,953
Legal graffiti art site establishment and management	\$2,960
Murals in bus shelters in graffiti hot spots	\$1,760
Community art resources	\$1,868
Update of 'Illegal graffiti: Report, Remove, Prevent' brochure	\$971
Colour-in Canberra project planning and development	\$1,155
AUSGR Graffiti removal monitoring system	\$19,065
Regular inspection and rapid removal of illegal graffiti from Urban Services assets	\$755,000
Removal of illegal graffiti from selected private property	\$212,000
Graffiti Removal Youth Training and Employment program	\$35,000
Graffiti Art Workshop (Funded by Community Partnership Project)	\$37,670

(3) This information is not held by Urban Services.

(4) Murals completed on both private and public assets in the ACT have proven effective in limiting illegal graffiti vandalism at that site. A recent example is provided by the graffiti art mural completed in June 2005 as part of the refurbishment of Holt Shopping centre. This site was previously a hotspot for illegal graffiti and since the completion of the mural there have been no further occurrences of illegal graffiti.

The effect of murals in reducing the prevalence of illegal graffiti has also been noted over a longer period at numerous other sites. To provide documented evidence of this effect, the incidence rate of illegal graffiti at murals in two bus stops in Ainslie is being monitored. To date, there has been a 100% reduction in illegal graffiti at these sites compared to similar sites nearby.

Roads—black spots (Question No 653)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) What steps are being taken to address current "black spots" on roads within the ACT;
- (2) What are these current black spots in order of priority (1-10);
- (3) How many roundabouts are known "black spots" within the ACT;
- (4) What is the time frame to address the problem areas.

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

- (1) Every year, Roads ACT analyses the accidents history for the previous seven years for all intersections in the ACT. Scores are allocated in accordance with the severity of crashes at each location. The total score is then used to rank all intersections in the ACT. The top locations are studied in detail in order to identify a cost-effective improvement. These improvements are then implemented in line with available funding for the 'Road Safety Improvements' capital upgrade program.

- (2) Based on the total score during the seven year period, the current top 10 intersections in the ACT are:

1	BARTON HWY / GUNDAROO DR
2	KINGS AVE / PARKES WAY
3	COTTER RD / MCCULLOCH ST
4	ANZAC PDE / LIMESTONE AVE
5	CALLAM ST / CORINNA ST
6	MELROSE DR / YAMBA DR
7	LONDON CCT / NORTHBOURNE AVE
8	ANZAC PDE / BLAMEY CR
9	CANBERRA AVE / HINDMARSH DR
10	BARRY DR / NORTHBOURNE AVE

- (3) There are four roundabouts within in the top 10 locations.
- (4) Improvements are implemented, at sites which have not been treated before, and if treatments are feasible within available funding allocations. The above sites will be considered for inclusion in future capital works programs.

Motor vehicles—obscured number plates (Question No 654)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) How many instances of deliberately obscuring motor vehicle number plates to avoid speed or red light camera detection have been recorded in the ACT in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (2) What are the penalties for such activity, deliberate or otherwise;
- (3) How many fines/penalties have been issued or charges laid for such offences in each of the years listed in part (1) and what is the total cost of the fines issued for such offences.

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

- (1) It is unknown how many instances there are of motorists deliberately obscuring motor vehicle number plates, specifically for the purpose of avoiding speed or red light camera detection devices. Urban Services do not know if any obscuring was deliberate, or if it occurred for a specific purpose.
- (2) The infringement penalty for such activity, whether deliberate or accidental, is \$78.00.
- (3) The table below indicates the number of infringements that were issued based on vehicle number plates being obscured; it does not differentiate between deliberate or accidental acts:

	Financial Year	Cost	No of fines issued
(a)	2001-2002	4071	59
(b)	2002-2003	4129	59
(c)	2003-2004	2516	34
(d)	2004-2005	1140	15
(e)	2005-2006 to date	78	1

Animals—impounding (Question No 655)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) How many stray or abandoned (a) dogs, (b) cats and (c) other animals were impounded at domestic animal services during (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (2) How many animals in each of the categories above were (a) returned to owners, (b) rehomed with new owners, (c) destroyed or (d) micro-chipped or had some other form of identification;
- (3) How many animals in the above categories (a) with or (b) without identification were able to be returned to their owners;
- (4) What public education has the Government undertaken recently to inform the public of their animal ownership responsibilities.

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

The Domestic Animals Services Database is limited in its search capacity and cannot drill down to the level required to answer all of the questions asked. The production of a definitive answer to all the Member's questions would necessitate manually examining each dog impoundment record held at Domestic Animal Services. Therefore the following response has been generated from existing information on the database and is offered with the belief that the information will satisfy the intent of the questions.

- (1) Domestic Animal Services only cater for dogs. Cats and other animals would, in general, be dealt with by the RSPCA.

Year	No. of Dogs Impounded
2001/02	1691
2002/03	2063
2003/04	1920
2004/05	1748
2005 to date	483

- (2)

Year	Returned to Owner	Re-homed with new owner	Euthanased (inc seized dogs)	Identification by chip or tag.
2001/02	926	413	313	Approximately 25% of dogs that enter the DAS Shelter carry some form of identification at the time of impoundment.
2002/03	1212	476	313	
2003/04	1137	460	250	
2004/05	1103	445	191	
2005 to date	310	117	46	

It should be noted that all dogs that leave the shelter to either their original owner or a new home, and are residing within the ACT, are required to be registered before leaving the shelter.

(3) As above

(4) DAS promotes responsible dog ownership through:

- Active enforcement;
- Attending various functions promoting responsible dog ownership;
- Having in place an ad-hoc education programme aimed primarily at school children;
- Promotion of new off-lead/prohibited dog exercise maps; and
- Creating effective partnerships with the RSPCA.

Motor vehicles—random inspections (Question No 656)

Mr Pratt asked the Minister for Urban Services, upon notice, on 21 September 2005:

- (1) How many vehicles were randomly inspected in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06;
- (2) How many vehicles referred to in part (1) failed inspection;
- (3) What penalties were imposed upon vehicles owners whose vehicles failed inspection;
- (4) How often have random inspection stations been set up at various locations throughout the ACT and what are their locations for each of the years in part (1).

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

- (1) The annual target for random vehicle inspections is 50,000. The following numbers were conducted.

(a)	2001 – 02	=	52,000	
(b)	2002 – 03	=	51,896	
(c)	2003 – 04	=	59,694	
(d)	2004 – 05	=	49,289	
(e)	2005 – 06	=	8,053	to the end of August 05

- (2) The following number of vehicles failed the inspection and were issued with a warning or defect notice.

			Warnings	Defects
(a)	2001 – 02	=	4,007	1,930
(b)	2002 – 03	=	3,408	2,027
(c)	2003 – 04	=	2,793	1,633
(d)	2004 – 05	=	2,180	1,497
(e)	2005 – 06	=	417	209 to the end of August 05

- (3) Up until this financial year Urban Services Vehicle Inspectors did not issue traffic infringement notices to operators of defective vehicles. In the past this was the sole function of the AFP. The following number of infringements and total penalty values were issued.

			Infringements	Total Value
(a)	2001 – 02	=	69	\$10,293
(b)	2002 – 03	=	186	\$26,825
(c)	2003 – 04	=	227	\$40,747
(d)	2004 – 05	=	157	\$32,722
(e)	2005 – 06	=	19	\$4,181 to the end of August 05

- (4) Attachment A shows the number and location of random roadside inspection stations conducted by Urban Services Inspectors.

LIST OF RANDOM ROADSIDE INSPECTIONS SITES BY YEAR

2001

<u>LOCATION</u>	<u>FREQUENCY</u>
Springvale Drive Hawker	1
Hardwick Crescent Holt	1
Florey Drive Charnwood	1
Tillyard Drive Fraser	3
Aikman Drive Belconnen	2
Florey Drive Macgregor	1
Mountain Road Oaks Estate	2
Parkwood Road Parkwood	1
Antill Street Dickson	2
Ginninderra Drive Charnwood	3
Ainslie Avenue Braddon	1
Bunda Street Canberra City	2
Goyder Street Narrabundah	1
Henty Street Braddon	1
Macarthur Avenue O'Connor	3
Quick Street Ainslie	1

2001 cont

Sturt Avenue Narrabundah	1
Captain Cook Crescent Narrabundah	1
Limestone Avenue Ainslie	3
Knox Street Watson	1
Anketell Street Greenway	2
Sulwood Drive Kambah	1
Athllon Drive Mawson	2
Belconnen Way Macquarie	1
Haydon Drive Bruce	1
Athllon Drive Kambah	1
Baldwin Drive Kaleen	2
Belconnen Way Hawker	3
Parkes Way Reid	1
Dairy Flat Road Fyshwick	1
Lonsdale Street Braddon	3
Canberra Avenue Manuka	1
Launceston Street Phillip	1
Southern Cross Drive Page	1
Cowper Street Dickson	3
Cotter Road Weston	1
Canberra Avenue Griffith	2
Isabella Drive Gilmore	1
Ellenborough Street Kaleen	2
Jervis Bay Road Jervis Bay	2
Wreck Bay Road Jervis Bay	2
Beasley Street Mawson	1
Wentworth Avenue Kingston	4
Flinders Way Red Hill	3
Boddington Crescent Kambah	1
Dairy Flat Road Pialligo	1
Lhotsky Street Charnwood	3
Norse Road Oaks Estate	5
O'Halloran Circuit Kambah	1
Woodstock Drive Gordon	1
Were Street Calwell	2
Box Hill Avenue Conder	1
Ainslie Avenue Reid	2
Gundaroo Drive Palmerston	4
Jerrabomberra Avenue Narrabundah	3
Canberra Avenue Oaks Estate	1
Telopea Park Barton	1
Chewings Street Page	3
Monaro Highway Hume	2
Coulter Drive Florey	2
Yarra Glen Hughes	1
Flemington Road Mitchell	2
Streeton Drive Weston	1
Barton Highway Lyneham	2
Northbourne Avenue Dickson	1
Hindmarsh Drive Narrabundah	1
Sternberg Crescent Wanniasa	1
Langdon Avenue Wanniasa	4
William Slim Drive Giralang	1

2001 cont

Adelaide Avenue Yarralumla	1
Erindale Drive Fadden	1
Yamba Drive Phillip	1
Gundaroo Drive Nicholls	1
Brigalow Street Lyneham	3
Namatjira Drive Fisher	1
Gilmore Crescent Garran	1
Drakeford Drive Kambah	1
Majura Road Ainslie	1
Treloar Crescent Campbell	1
Starke Street Holt	1
King Edward Terrace Parkes	2
Streeton Drive Stirling	1
Ginninderra Drive Latham	2
Denison Street Deakin	2
Carruthers Street Curtin	1
Bugden Avenue Fadden	1
Drakeford Drive Isabella Plains	1
Drumstone Street Isabella Plains	1
Morphett Street Dickson	1
Eastern Valley Way Belconnen	1
Isabell Drive Chisholm	2
Northbourne Avenue Downer	1
Ginninderra Drive Bruce	1
Gungahlin Drive Palmerston	1
Hindmarsh Drive Duffy	1
Canberra Avenue Manuka	1
Starke Street Higgins	2
Chewings Street Scullin	1
Lady Denman Drive Acton	1
Mugga Way Red Hill	2
Fairbairn Avenue Campbell	1
Mugga Lane Symonston	1
McCulloch Street Curtin	1
Macquarie Street Braddon	1
Parkwood Road Holt	2
Theodore Street Curtin	1
Outtrim Avenue Calwell	1
Deamer Crescent Richardson	1
Florey Drive Latham	1
London Circuit Civic	1
Gundaroo Drive Gungahlin	1

2002

<u>LOCATION</u>	<u>FREQUENCY</u>
Soward Way Greenway	2
Ginninderra Drive Melba	1
Ainslie Avenue Braddon	2
Barry Drive Acton	2
Mort Street Braddon	1
Sandford Street Mitchell	1

2002 cont

Ellenborough Street Lyneham	1
Namatjira Drive Stirling	3
Boddington Crescent Kambah	3
Marconi Crescent Kambah	1
Isabella Drive Monash	2
Parkes Way Reid	1
Adelaide Avenue Deakin	3
Morshead Drive Campbell	1
Hindmarsh Drive Weston	1
Ginninderra Drive Latham	3
Lady Denman Drive Acton	3
Barton Highway Hall	2
Gungahlin Drive Palmerston	2
Federal Highway Majura	1
Barton Highway Lyneham	2
Gundaroo Drive Nicholls	2
William Slim Drive McKellar	2
Limestone Avenue Braddon	2
Flemington Road Mitchell	5
Norse Road Oaks Estate	4
Hindmarsh Drive Narrabundah	3
Sulwood Drive Wanniasa	2
Yamba Drive Isaacs	1
King Edward Terrace Parkes	1
Belconnen Way Page	2
Aikman Drive Belconnen	2
Krefft Street Florey	5
Federal Highway Watson	2
Pialligo Avenue Pialligo	4
Kitchener Street Hughes	1
Erindale Drive Wanniasa	2
Parkinson Street Weston	1
Lonsdale Street Braddon	2
Bunda Street Civic	5
Athllon Drive Phillip	2
Canberra Avenue Fyshwick	2
Monaro Highway Hume	1
Wentworth Avenue Kingston	1
Macquarie Street Braddon	1
Kitchener Street Garran	2
Manuka Circle Forrest	1
Wisdom Street Hughes	1
McCulloch Street Curtin	2
Baldwin Drive Kaleen	3
Antill Street Watson	2
Majura Avenue Dickson	1
Starke Street Holt	1
Cowper Street Ainslie	2
Wendouree Drive Parkes	1
Clift Crescent Richardson	2
Anketell Street Greenway	2
Lhotsky Street Charnwood	1
Denison Street Deakin	1

2002 cont

Henty Street Braddon	1
Were Street Calwell	2
Woodcock Drive Gordon	2
O'Halloran Circuit Kambah	1
Anzac Parade Campbell	2
Kootara Crescent Narrabundah	2
Langdon Avenue Wanniasa	2
Murrnaji Street Hawker	1
Coulter Drive Weetangera	1
Cowper Street Dickson	2
Monaro Highway Fyshwick	1
Hibberson Street Gungahlin	3
Woolley Street Dickson	1
Antill Street Hackett	2
Gundaroo Drive Gungahlin	2
Sternberg Crescent Wanniasa	1
Flemington Drive Lyneham	2
Melrose Drive Phillip	2
Ginninderra Drive Charnwood	3
McBride Place Calwell	1
Drakeford Drive Bonython	1
Macarthur Avenue O'Connor	1
Hoskins Street Mitchell	1
Dixon Drive Holder	1
Gilmore Crescent Garran	2
Parkes Way Campbell	2
Dairy Flat Road Fyshwick	2
Brisbane Avenue Barton	1
Namatjira Drive Weston	1
Northbourne Avenue Lyneham	2
Adelaide Avenue Yarralumla	3
Livingston Avenue Kambah	1
Canberra Avenue Narrabundah	1
Lhotsky Street Fraser	2
Starke Street Higgins	1
Drakeford Drive Kambah	1
Ainslie Avenue Reid	1
Ellenborough Street Kaleen	3
Antill Street Downer	1
McCaughey Street Turner	1
Isabella Drive Gowrie	1
Ginninderra Drive Melba	1
Canberra Avenue Griffith	1
Parkes Way Reid	2
Mugga Way Red Hill	1
Hardwick Crescent Holt	1
Mugga Lane Symonston	1
Launceston Street Lyons	1

2003LOCATIONFREQUENCY

Federal Highway Majura	2
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2003 cont

Antill Street Dickson	5
Barton Highway Lyneham	4
Phillip Avenue Watson	1
Mort Street Braddon	1
Federal Highway Watson	3
Sulwood Drive Kambah	3
Drakeford Drive Isabella Plains	2
Monaro Highway Hume	1
Aikman Drive Belconnen	5
Flemington Road Mitchell	5
Hibberson Street Gungahlin	2
Ginninderra Drive Latham	4
Fairbairn Avenue Campbell	5
Joynton Smith Drive Belconnen	2
Coulter Drive Florey	3
Lonsdale Street Braddon	4
Spofforth Street Holt	1
Parkes Way Russell	1
Wentworth Avenue Kingston	2
Sturt Avenue Narrabundah	1
Langdon Avenue Wanniasa	2
Eastern Valley Way Belconnen	1
Benjamin Way Belconnen	1
Gundaroo Drive Palmerston	2
Denison Street Deakin	2
Ainsworth Street Mawson	1
McCulloch Street Curtin	1
Antill Street Hackett	1
Bowen Drive Barton	1
The Valley Avenue Gungahlin	2
Yarra Glen Curtin	5
Airport Taxi Rank Pialligo	1
Sternberg Crescent Wanniasa	2
Marconi Crescent Kambah	1
Boddington Crescent Kambah	3
State Circle Braddon	1
Hindmarsh Drive Nararrabundah	6
Yarra Glen Deakin	3
Monaro Highway Fyshwick	2
Parkes Way Parkes	1
Gundaroo Drive Nicholls	1
Lady Denman Drive Acton	2
Cowper Street Dickson	2
Tuggeranong Parkway Chifley	1
Erindale Drive Wanniasa	1
Florey Drive Macgregor	1
Railway Street Oaks Estate	3
Oaks Estate Road Oaks Estate	1
Hardwick Crescent Holt	2
Parkes Way Acton	1
Canberra Avenue Fyshwick	2
Kreffft Street Florey	6
William Slim Drive Giralang	1

2003 cont

Chewings Street Page	1
Flemington Road Mitchell	2
Lhotsky Street Charnwood	2
Flemington Road Gungahlin	2
Newcastle Street Fyshwick	4
Athllon Drive Mawson	4
Gladstone Street Fyshwick	1
Telopea Park Barton	2
Bunda Street Civic	2
Dookie Street Farrer	1
Wisdom Street Hughes	2
Flinders Way Red Hill	2
Limestone Avenue Ainslie	1
Melrose Drive Chifley	2
Belconnen Way Hawker	2
Baldwin Drive Kaleen	6
Ashley Drive Richardson	1
Erindale Drive Fadden	1
Ellenborough Street Kaleen	5
Brigalow Street Lyneham	1
Namatjira Drive Fisher	2
Canberra Avenue Griffith	2
Morshead Drive Pialligo	1
Captain Cook Crescent Griffith	1
Norse Road Oaks Estate	3
State Circle Parkes	1
Mawson Drive Mawson	1
Athllon Drive Kambah	1
Athllon Drive Greenway	1
Launceston Street Lyons	1
Kent Street Deakin	2
Were Street Calwell	1
Various Taxi Ranks	1
Jerrabomberra Avenue Narrabundah	1
Gundaroo Drive Gungahlin	1
Majura Avenue Dickson	1
McBride Crescent Kambah	1
Gungahlin Drive Palmerston	1
Randwick Road Lyneham	1
Emu Bank Belconnen	1
Ginninderra Drive Lyneham	1
Belconnen Way Belconnen	1
Kuringa Drive Spence	1
Cotter Road Weston	1
Jim Pike Avenue Gordon	1
Carruthers Street Curtin	1
Taverner Street Oxley	1
Tharwa Drive Calwell	1

2004

<u>LOCATION</u>	<u>FREQUENCY</u>
Monaro Highway Fyshwick	2
Ellenborough Street Kaleen	3
Kate Crace Street Gungahlin	1
Newcastle Street Fyshwick	1
Federal Highway Majura	1
Lonsdale Street Braddon	3
Federal Highway Watson	2
Barton Highway Lyneham	2
Federal Highway Mitchell	1
Chewings Street Page	2
Fairbairn Avenue Campbell	1
Morshead Drive Pialligo	1
Telopea Park Barton	2
Marconi Crescent Kambah	3
Kitchener Street Garran	2
Cowper Street Dickson	2
Streeton Drive Stirling	1
Morphett Street Dickson	1
Bindle Street Aranda	1
Aikman Drive Bruce	2
Lady Denman Drive Acton	1
Kreffft Street Florey	3
Haegney Crescent Chisholm	1
Summerland Circuit Kambah	1
Ainsworth Street Mawson	3
Namatjira Drive Fisher	2
Drakeford Drive Greenway	1
Canberra Avenue Kingston	1
Yarra Glen Deakin	1
Boddington Crescent Kambah	1
Langdon Avenue Wanniassa	1
Bindubi Street Aranda	1
Ashburton Circuit Kaleen	1
Taxi Rank Braddon	1
Murrnji Street Hawker	2
Flemington Road Mitchell	3
The Valley Avenue Gungahlin	1
Brigalow Street Lyneham	1
Knox Street Watson	1
Theodore Street Curtin	2
Various Taxi Ranks	1
Springvale Drive Hawker	1
Bandjalong Street Aranda	2
Horse Park Drive Gungahlin	1
Athllon Drive Phillip	2
Drakeford Drive Isabella Plains	1
Monaro Highway Theodore	2
Norse Road Oaks Estate	3
Lhotsky Street Charnwood	1
Gundaroo Drive Nicholls	1
Kootara Crescent Narrabundah	1

2004 cont

Belconnen Way Hawker	1
Belconnen Way Scullin	1
Emu Bank Belconnen	1
Gundaroo Drive Gungahlin	2
Isabell Drive Chisholm	1
Wells Station Drive Gungahlin	1
Horse Park Drive Harrison	1
William Slim Drive Giralang	1
Philip Avenue Watson	1
King Edward Terrace Parkes	1
Hardwick Crescent Holt	1
Majura Avenue Ainslie	1
Hindmarsh Drive Narrabundah	1
Namatjira Drive Warramanga	1
Evans Crescent Griffith	1
Baldwin Drive Kaleen	1
Isabella Drive Fadden	1
Langdon Avenue Fadden	1
Airport taxi rank	1

2005

<u>LOCATION</u>	<u>FREQUENCY</u>
Federal Highway Watson	2
Federal Highway Downer	2
Hindmarsh Drive Narrabundah	4
Baldwin Drive Kaleen	1
Aikman Drive Belconnen	1
Namatjira Drive Stirling	3
Kootara Crescent Narrabundah	1
Karuah Street Dickson	1
Owen Crescent Lyneham	1
Gungahlin Drive Palmerston	1
Flemington Road Mitchell	5
Majura Road Majura	1
Norse Road Oaks Estate	3
Theodore Street Curtin	2
Langdon Avenue Wanniasa	2
Newcastle Street Fyshwick	3
Various Taxi ranks	5
Belconnen Way Aranda	2
Telopea Park Barton	1
Ainsworth Street Mawson	1
Kitchener Street Garran	2
Tuggeranong Parkway Weston	1
Canberra Avenue Fyshwick	1
Monaro Highway Hume	2
Ginninderra Drive Charnwood	2
Monaro Highway Williamsdale	1
Adelaide Avenue Yarralumla	1
Pialligo Avenue Pialligo	1

2005 cont

Barton Highway Nicholls	1
Boddington Crescent Kambah	1
Castleton Crescent Gowrie	1
Ginninderra Drive Flynn	3
Drakeford Drive Isabella Plains	1
Lhotsky Street Charnwood	1
Flinders Way Red Hill	2
Sturt Avenue Narrabundah	1
Kreffft Street Florey	2
Limestone Avenue Ainslie	1
Jerrabomberra Avenue Narrabundah	1
Hibberson Street Gungahlin	1
Barton Highway Lyneham	1
Namatjira Drive Fisher	1
Athllon Drive Wanniasa	1
Ellenborough Street Kaleen	1
Kuringa Drive Spence	1
Coulter Drive Florey	1
Drakeford Drive Bonython	1
Melbourne Avenue Forrest	1
Starke Street Holt	1
Ginninderra Drive Bruce	1
Flemington Road Gungahlin	1
Hindmarsh Drive O'Malley	1
Athllon Drive Farrer	1
Florey Drive Macgregor	1
Parkes Way Russell	2
Brigalow Street Lyneham	1
Marconi Crescent Kambah	1
Long Gully Road Isaacs	1
Gundaroo Drive Nicholls	1
Canberra Avenue Griffith	1
Barry Drive Turner	1
Oaks Estate Road Oaks Estate	1

**Roads—speed cameras
(Question No 657)**

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 21 September 2005:

- (1) How many incidents have been reported involving threats, assaults or other inappropriate behaviour on mobile speed camera operators in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (2) How many charges or convictions have been recorded for the years in part (1);
- (3) Are security guards currently employed to protect mobile speed camera van operations; if so, (i) how many, (ii) when and (iii) at what cost;
- (4) What action is the ACT Government taking to educate motorists against this kind of unacceptable, illegal and dangerous behaviour.

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

- (1) The number of incidents related to threats, assaults or other inappropriate behaviour on mobile speed camera operators are as follows,

Serial	Year	Number
a	2001 - 2002 (27 Feb 2002 – 30 June 2002)	10
b	2002 - 2003	64
c	2003 – 2004	31
d	2004 – 2005	27
e	2005– 2006 (up to 30 September 2005)	5

- (2) The Australian Federal Police have advised that whilst it would be possible to obtain an answer to the question in theory, in practice it would be far too labour intensive (months of work manually searching through computer records) as they are unable to readily access such specific information. As such I am not prepared to authorise the resources required to obtain this information.
- (3) Security guards are not currently deployed in the ACT to specifically protect mobile speed-camera operations. Since March 2004 the evening mobile camera service has been contracted to Chubb Security. Chubb has established its own arrangements for the security and protection of its employees and Territory assets. These arrangements include support from roving security patrols.
- (4) The TCO have attended a number of community-based events such as the National Science Festival, various car shows and engaged in radio interviews in an attempt to promote the road safety component of their work.

Crime—motor vehicle theft (Question No 658)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 21 September 2005:

- (1) How many motor vehicles were (a) stolen and (b) recovered in the ACT during (i) 2002, (ii) 2003, (iii) 2004 and (iv) 2005 to date;
- (2) How many (a) charges were placed and (b) convictions were made for motor vehicle theft in the years in part (1);
- (3) What is the cost to the Government of recovering stolen motor vehicles in each of the years in part (1).

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

- (1) Number of motor vehicles stolen and recovered in the ACT since 2002 to date is:

	Year			
	2002	2003	2004	1 Jan to 31 Aug 2005
Stolen	2189	2512	1669	1342
Recovered	1976	2206	1435	1154

Source: SMV Module as at 03 October 2005 Includes Articulated vehicles, Cars, Buses, FWDs, Motorcycles, Other, Trucks, Unknown, Utilities and Vans*

This table summarises the number of Motor Vehicles stolen and recovered, by calendar year from 2002 to 31 August 2005, according to the SMV Module on PROMIS. Please note that the vehicles stolen in a given year may not necessarily be recovered in that same year.

(2) a) The number of charges for motor vehicle theft since 2002 to date is:

How Cleared	Year			
	2002	2003	2004	1 Jan to 31 Aug 2005
Arrest	152	196	107	93
Other	25	23	24	10
Charge	100	119	68	75
Total	277	338	199	178

Source: PROMIS apprehensions module as at 26 September 2005

This table summarises the number of unique apprehensions, by calendar year from 2002 to 31 August 2005, involving a SMV offence.

b) ACT Policing is unable to provide the number of persons convicted as this information is held by the ACT Courts.

(3) ACT Policing does not record the costs associated with the recovery of stolen motor vehicles and as such is unable to respond.

Transport—ACTION services (Question No 660)

Mr Pratt asked the Minister for Planning, upon notice, on 22 September 2005:

- (1) Further to a Letter to the Editor in The Canberra Times on Friday, 9 September entitled “Bus Patrons Left High And Dry”, how many Easy Access buses does ACTION have in its fleet;
- (2) How many of those buses are in operation;
- (3) If all of the available buses are not in operation, why not;
- (4) Does ACTION collect data on the number and location of elderly or disabled passengers that have a need for the Easy Access buses; if not, why not; if so, can the Minister identify (a) routes and (b) suburbs that have a high proportion of elderly or disabled passengers that would require a greater number of services using the Easy Access buses;
- (5) Are the Easy Access buses used on specific routes where there is a higher proportion of elderly or disabled passengers; if not, why not;
- (6) What are the routes that currently have Easy Access buses scheduled;
- (7) Do each of these routes have every bus on the timetable as an Easy Access ACTION bus; if not, why not.

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

- (1) 82.
- (2) 82.
- (3) N/A

- (4) No. At present ACTION's policy is to run easy access buses on all Intertown 300 series routes, Route 84 and Route 34 which covers the hospitals. This equates to 41.66% of the total in-service hours of ACTION's route services, Monday to Friday.
 - (5) Yes. Route 34 includes Calvary Hospital stop and Route 84 includes John James Hospital and Canberra Hospital.
 - (6) Intertown 300 series (300, 312, 313, 314, 315), Route 84 and Route 34.
 - (7) Yes, unless there is an operational issue and no easy access bus replacement available.
-

Cycling—community path use (Question No 662)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) What education campaigns have been conducted in the last 12 months by the Department of Urban Services regarding "community paths";
- (2) If education campaigns have been conducted, have they made the public aware of the rights and responsibilities of all users of these paths; if not, why not; if so, how;
- (3) What are the rights and responsibilities of cyclists and walkers on these paths;
- (4) Have there been any reported incidents in recent years involving collisions, or otherwise, between cyclists and other path users; if so, who was found to be at fault and what, if any, injuries resulted.

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

- (1) The Department of Urban Services has not conducted any direct education campaign in the last 12 months on "community paths", however there is ongoing information provided on the Transport Policy web site www.transport.act.gov.au, under the drop down heading of 'Road Safety – Bicycle Safety' which provides a copy of the "Enjoy Safe Cycling in the ACT" brochure.
 - (2) See response for Point 3.
 - (3) The "Enjoy Safe Cycling in the ACT" brochure, which was available at the Government Shop Fronts and ACT Planning and Land Authority counter, has information within the brochure on rights and responsibilities. Cyclists on community (footpath and cycle) paths must show courtesy to other users, especially pedestrians. Cyclists must give right of way to pedestrians, wheel chairs and motorised scooters used by people with disabilities. Cyclists should keep left where possible on these paths.
 - (4) No.
-

**Cycling—on-road cycle lanes
(Question No 663)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) What green cycle lanes painted across entry ramps within the ACT road network have been constructed to date and where are they located;
- (2) Why have green lanes across entry ramps been installed when the Woden to Dickson on road cycle lane project states that “the provision of green pavement treatment at entry ramps was considered to present an unacceptable risk to cyclists”;
- (3) How many green cycle lanes are yet to be installed on roads in the ACT;
- (4) How many accidents have been reported involving cyclists in green cycle lanes in (a) 2003-04, (b) 2004-05 and (c) 2005-06 to date;
- (5) For the accidents reported, who was at fault and what, if any, injuries resulted;
- (6) How much funding has been expended by the ACT Government on community education campaigns to inform cyclists and drivers of their rights and responsibilities when using green cycle lanes.

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

- (1) Green pavement for cycle lanes are only provided at exit ramps and left turn lanes. These are provided at 9 locations on Commonwealth and Adelaide Avenues, at 11 locations on Hindmarsh Drive and Melrose Drive and one location on Belconnen Way.
- (2) Green lanes have not been installed at entry ramps.
- (3) The provision of green lanes will be considered on a case by case basis, as such there is no definitive number on the number of lanes yet to be installed in the ACT.
- (4) The database maintained by Roads ACT does not keep such records.
- (5) The database maintained by Roads ACT does not keep such records.
- (6) The ACT Government will have spent in excess of \$50,000 on community education and awareness campaigns by the end of June 2006. This amount has been supplemented by a similar contribution from the NRMA Road Safety Trust.

**Roads—safety strategy
(Question No 664)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) Regarding the Road Safety Action Plan released on 29 August 2005, what will be done to raise consumer awareness about the relative safety of various vehicle types through the promotion of the Australian New Car Assessment Program ratings;

- (2) When will the review into ACT high crash locations for black spot treatments be conducted;
- (3) Why is this review not an ongoing project;
- (4) Of the traffic warrant system, what locations have been identified to receive an allocation of funding due to the high nature of accidents, speed, volume, through traffic or land use;
- (5) What road markings, road furniture and road maintenance are to be provided that will have motorcyclist and bicyclist safety in mind;
- (6) Have any intervention strategies that target inattention whilst driving been developed or introduced; if not, why not; if so, what are they;
- (7) When will the review into current speed camera policy to provide a more flexible and responsive method to determine appropriate sites based on known crash and speeding data be completed;
- (8) If this review has already been completed what were the findings; if not, when will it be completed;
- (9) Does the review identified in part (7) mean that the current speed camera policy is inflexible and not based on available information such as known crash and speeding data;
- (10) Of the review into current intersection crash data to ensure most efficient allocation of red light cameras, why is this not currently being conducted and what new information will the review consider;
- (11) What are the recommendations of the road ready evaluation and which of the recommendations are to be implemented.

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

- (1) The ACT will participate in Australian New Car Assessment Program (ANCAP) promotions as they are conducted. A link to the ANCAP vehicle reports is available through the Government web site www.transport.act.gov.au/roadtransportroadsafety/roadsafety.html
- (2) The initial meeting for development of the 2005-06 Black Spot Program, chaired by Senator Gary Humphries, was held in July 2005.
- (3) The Black Spot Program is ongoing. In 2004 \$638,000 was allocated to nine projects.
- (4) Funding for 2005-06 has already been committed to install a roundabout at the intersection of Cowper Street and Wakefield Avenue. The Warrants system will be updated with the most recent traffic surveys before the next financial year. Funding in future capital upgrade programs will be allocated to deal with the top locations in the updated warrants system.
- (5) All new projects are developed bearing in mind the needs and driving characteristics of cyclists and motorcyclists. In addition, other activities include sweeping of on road cycle lanes, on road cycle lane markings, cycle logos in cycle lanes, green pavement markings, traffic signage, cycle rest rails and cycle storage bays. For motorcyclists, specific

activities include modifications to transverse linemarking at intersection approaches, motor bike exclusive parking spaces and parking signage.

- (6) During 2005 the AFP has conducted a road safety campaign “not paying attention is killing us” using television advertisements and radio announcements. Advertising focussed on driver inattention was placed in the Canberra Times in July 2005. Further campaigns will be developed over the coming year.
- (7) The Government will soon consider the recommendations of the Traffic Liaison Committee on possible amendments to the Speed Camera Program. The Committee consists of representatives from the Department of Urban Services, AFP and NRMA Motoring Services.
- (8) The outcome of the Government’s considerations will be announced when completed.
- (9) The red light/speed camera and mobile speed camera program commenced in 1999. All sites were identified using known crash and speeding data.
- (10) The ACT Government Budget for 2005-06 allocated funds for the provision of two additional fixed red light/speed cameras and an additional mobile unit. The Traffic Liaison Committee is currently undertaking the assessment of the sites for the two fixed cameras. Once procurement procedures are completed for the purchase of the equipment, a publicity campaign will be conducted prior to the cameras commencing operation at the new sites.
- (11) The evaluation report and recommendations are available at <http://www.transport.act.gov.au/roadtransportroadsafety/youngnovicedriversafety.html> Work has commenced implementing the recommendations following liaison between the Department and service provider including modification of the pre-course activities, tightening of the assessment procedure and increasing the class size to provide maximum benefit to participants.

Roads—street signs (Question No 665)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) Why is/was one of two signs indicating Olympus Way in Lyons marked as “Olyumpus Way” when the other is correctly marked as “Olympus Way”;
- (2) Will Urban Services be instructed to remedy this mistake if it has not done so already;
- (3) How many other incidents of incorrectly marked street signs have been recorded for (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (4) Where are these signs located and have they all been rectified;
- (5) What has been the cost to the ACT Government to rectify such signage for each of the years listed in part (3).

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

- (1) It is an inadvertent mistake on the part of the contractors who carried out the maintenance work.
 - (2) The error has already been rectified.
 - (3) These are very rare and isolated incidences. Roads ACT has no specific records for these incidences. However it could be estimated that there may have been no more than 5 instances over the last five-years period.
 - (4) Once such an incidence is identified, it is rectified immediately.
 - (5) Most of these signs are fingerboards and the replacement requires only the blades. The total cost of replacing one blade is about \$100.
-

**Libraries—outstanding fines
(Question No 666)**

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) What is the value of outstanding public library fines that are overdue by 90 days or more as at 30 June (a) 2005, (b) 2004, (c) 2003, (d) 2002 and (e) 2001;
- (2) What is the value of library fines for each of the years listed in part (1) that is deemed to be unrecoverable and/or will be written off;
- (3) How many non-returned books were listed as outstanding or unrecoverable for each of the years listed at part (1).

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

- (1)

(a)	2005	-	\$200 387.96
(b)	2004	-	\$154 186.40
(c)	2003	-	\$13 992.20
(d)	2002	-	\$5 292.40
(e)	2001	-	\$1 943.60
 - (2) All of the library fines for each of the years listed in part (1) are still deemed to be recoverable and at this stage have not been written off.
 - (3)

(a)	2005	-	3514
(b)	2004	-	3902
(c)	2003	-	2541
(d)	2002	-	2290
(e)	2001	-	2409
-

Waste disposal—illegal dumping (Question No 667)

Mr Pratt asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) How many fines have been issued for littering, rubbish dumping, and all other applicable categories since the introduction of the *Litter Act 2004* during (a) 2003-04, (b) 2004-05 and (c) 2005-06 to date;
- (2) What is the total value of those fines applicable to the financial years listed in part (1);
- (3) Can the Government provide evidence that all of the fines issued under the *Litter Act 2004* were not issued illegally and that authorised officers under the Act did receive all the details, for example names and addresses, required to issue fines to offenders voluntarily, without the offender being prompted or asked to do so by authorised officers; if so, how was this accomplished; if not, why not.

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

- (1) The number of fines issued for littering, rubbish dumping, and all other applicable categories since the introduction of the *Litter Act 2004* during
 - (a) 2003-04 is 0.
The Litter Act 2004 came into effect in September 2004 after the end of the 2003-2004 financial year.
 - (b) 2004-05 is 28
 - (c) 2005-06 to date is 15
- (2) (a) 2003-04- \$0
(b) 2004-05 - \$7100
(c) 2005-06 to date - \$3920
- (3) All infringements have been legally issued. Authorised officers obtain the required information for an infringement by asking the perpetrator for their details. In the case of all infringements issued to date, the perpetrators have provided this information willingly. Until the recent amendments to the *Litter Act 2004* there was no legal requirement for the perpetrator to divulge this information unless they were deemed the 'occupier of premises' as prescribed under the Act.

Cycling—fines (Question No 669)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 22 September 2005:

- (1) How many fines have been issued to bicycle riders for (a) failure to wear a helmet and (b) other offences in (i) 2001-02, (ii) 2002-03, (iii) 2003-04, (iv) 2004-05 and (v) 2005-06 to date;
- (2) How many of these fines were (a) contested and (b) dismissed for the years listed in part (1);

- (3) What is the total Government revenue from these fines for each of the years listed in part (1).

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

- (1) The number of fines issued to bicycle riders for (a) failure to wear a helmet and (b) other offences from 2001-02 to 2005-06 to date is:

Offence	2001-02	2002-03	2003-04	2004-05	2005-06 to date	Grand Total
Failure to wear a helmet	22	65	43	24	8	162
Other offences	8	14	17	8	1	48
Grand Total	30	79	60	32	9	210

Source: Autocite as at 05 October 2005

- (2) In relation to the number of fines (a) contested and (b) dismissed for the years listed in part (1): it is too resource intensive to provide this data within the timeframe provided.
- (3) ACT Policing does not record costs associated with the revenue raised by the government in relation to the payment of these fines and as such is unable to respond.

Motor vehicles—stolen number plates (Question No 670)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 22 September 2005:

- (1) How many number plates have been stolen from registered vehicles during (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (2) How many stolen number plates were recovered in the years listed in part (1);
- (3) What are the penalties in the ACT for stealing number plates from motor vehicles;
- (4) How many fines, prosecutions or otherwise were laid as a result of stolen number plates in the years listed in part (1);
- (5) Does ACT Policing keep a register of stolen number plates; if so, for what period number plates which have been stolen are kept on the list;
- (6) Are ACT vehicle owners who have reported their number plates stolen immune from fine or prosecution for any traffic offences committed under the stolen number plates once the number plates have been reported stolen to police.

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

- (1) Number of registration plates stolen and recovered by financial year- 2001-02 to 2005-06 (YTD).

	Year				
	2001/02	2002/03	2003/04	2004/05	2005/06 (to 30 Sep 05)
Stolen	377	529	614	877	174
Recovered	73	105	113	104	34

The source of these figures is the AFP PROMIS database as at 3 October 2005.

- (2) As outlined above in Question 1.
- (3) The offences and penalties for stealing number plates from motor vehicles in the ACT is legislated under the ACT *Criminal Code 2002* and the *Road Transport (Vehicle Registration) Act 1999*.
- (4) It is too resource intensive to obtain this information from the current ACT Policing indices as these specific entries would have to be individually hand sorted due to them not being a searchable entity on the PROMIS database.
- (5) ACT Policing keeps a record of every number plate stolen and this is recorded within the PROMIS database. These records are kept as an active alert until the plates are recovered but still remain on the database as a record for future reference. If the plates are not recovered then the alert remains in place until such time as they are recovered.
- (6) If a person has reported the number plates stolen to ACT Policing they would not be prosecuted for criminal acts or fined for traffic offences committed under the stolen number plates. This does not apply if they are implicated in an offence related to the stolen plates.

Public service—executive contracts (Question No 671)

Mr Smyth asked the Chief Minister, upon notice, on 22 September 2005:

- (1) Further to your response to a question without notice, taken on notice, in the Legislative Assembly on the 17 August 2005 in regards to the employment of Executives under the Public Sector Management Act, what is the number of cases where Executives have exceeded the nine-month period by one day;
- (2) Who were the Executives whose contracts exceeded the nine-month period by one day;
- (3) When and for what positions did the merit selection processes for short-term Executive contracts, alluded to in the response, take place.

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

- (1) There were three cases where the short-term contracts for Executives exceeded the nine-month period by one day.
- (2) Ademola Bojuwoye (tabled 22 June 2004); Loretta Zamprogno (tabled 3 May 2005); and Andrew Taylor (tabled 21 June 2005).
- (3) There is no comprehensive information available from agencies on the number of times a merit process has been undertaken for short-term Executive contracts.

Housing—indigenous boarding house (Question No 674)

Mrs Burke asked the Minister for Disability, Housing and Community Services, upon notice, on 22 September 2005:

- (1) Given that the total amount of \$3.2 million has been earmarked by the ACT Government for the provision of the Indigenous Boarding House, has a site been allocated for the facility;
- (2) What plans have been drawn up for the facility and what organisations or groups have been consulted in relation to design, usability and Indigenous cultural issues;
- (3) When will construction of the Indigenous Boarding House commence.

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

- (1) As yet, a site has not been identified for the Boarding House.
- (2) The Department of Disability, Housing and Community Services engaged Jalinari Associates to consult with the Aboriginal and Torres Strait Islander community to determine the service model for the hostel and other issues which will inform design specifications for the facility. The following groups participated in this consultation:
 - Billabong Aboriginal Corporation
 - Winnunga Nimmityjah Aboriginal Health Service
 - Ghibba Gunya
 - Boomanulla Sport and Recreation Association
 - Dyirimal Migay (Supported Accommodation Service for Young Women)
 - Gerib Sik Torres Strait Islander Dance Group
 - Gugan Gulwan Youth Aboriginal Corporation
 - Ngunnawal Community Development Employment Program
 - Chief Minister's Indigenous Consultative Council
 - Aboriginal Hostels Ltd
 - Youth Coalition of the ACT
 - Coalition of Community Housing Organisations of the ACT (CCHOACT)
 - Beryl Women's Refuge
 - Department of Disability, Housing and Community Services
 - Aboriginal and Torres Strait Islander Services Regional Office (Queanbeyan)
 - Yinar Winangali (the Koori Women's Network)
 - Canberra Institute of Technology – Yuruana Centre
 - Australian National University – Jabal Centre
 - The Canberra Hospital
 - Department of Justice and Community Safety
 - Department of Family and Community Services
 - Canberra Men's Centre
 - YWCA
 - Inanna Inc
 - United Ngunnawal Elders Council
 - ACTCOSS
 - Indigenous Working Group – ACT COAG Trial
 - Aboriginal and Torres Strait Islander Homelessness working group

- (3) Prior to construction, it is necessary to finalise the service model for the Boarding House, including its size and target groups, and identify an appropriate site on which to build the facility. The Department continues to consult with the Aboriginal and Torres Strait Islander community about the Boarding House and it is expected the service model will be finalised by the end of December 2005.
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Animals—pet registration (Question No 675)

Mrs Burke asked the Minister for Urban Services, upon notice, on 22 September 2005:

- (1) Further to the reply to question on notice No 480, why is the Domestic Animal Services database not able to provide information on the number of de-sexed domestic pets registered in the ACT if a pet owner must hold a permit under the *Domestic Animals Act 2000* to keep a dog or cat that is not desexed;
- (2) Why is it not considered important to maintain information on any evidence of an increase in the number of pets registered in the ACT that are de-sexed;
- (3) Is the ACT Government considering a requirement to register cats in the ACT; if not, why not.

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

- (1) The Domestic Animals Services Database is limited in its search capacity

No general purpose searching capability is provided on the current dogs database system. Candidate data is retrieved by setting filters which is an outdated approach that is limited in its application.

Domestic Animal Services are fully aware of the limitations of the dogs database and are investigating a replacement. The requirements of a new Domestic Animal Registration and Management System (DARMS) was developed in 2004. The system would provide a flexible search functionality across all data items including searching within filed textual data.

- (2) It is important to record this information. The dogs database holds information on the sex status of dogs resident in the Territory. However, that information cannot be easily retrieved or filtered from the current database.
 - (3) The Domestic Animals (Cat Containment) Amendment Bill 2005 currently before this Assembly will require cat owners to identify their cats by microchip. The primary reason for cat identification is to allow cat owners to be rapidly re-united with their domestic cats when they stray or are lost. The Government intends that the cost of micro-chipping will be borne primarily by cat owners and the sellers of cats, not by Government. Given that nation-wide data bases already exist to record the particulars of micro-chipped cats as required by legislation, the Government does not intend to duplicate these databases with its own cat register.
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