



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

17 NOVEMBER  
2005

**Thursday 17 November 2005**

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## Thursday 17 November 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.

### Visitors

**MR SPEAKER:** I acknowledge the presence in the gallery of 75 year 5 students from St Francis of Assisi, Calwell. Thanks for being with us today.

### Petitions

*The following petition was lodged for presentation by Mr Corbell, from 101 residents:*

#### **Glebe Park Development**

**To the Speaker and Members of the Legislative Assembly of the Australian Capital Territory**

**This Petition** of certain residents of Canberra in the Australian Capital Territory,

**Draws to the attention of the Legislative Assembly that**

A Development Application has been made (200404901) for the construction of a **4 block 8 storey high residential complex of 189 units**, adjoining Glebe Park on the former Glebe Park Food Court site.

Your petitioners are concerned that:

- a. The amenity of Glebe Park and the Reid heritage precinct will be adversely affected if this proposal proceeds.
- b. Use of the land for residential purposes is inappropriate given the proximity of Glebe Park.
- c. Extension of Glebe Park to include all or part of this land deserves serious consideration.
- d. Acquisition of the land by the ACT government for addition to the National Convention Centre site, also deserves serious consideration.

Your petitioners therefore request the Legislative Assembly to

- ensure that the land is developed for the benefit of the community and of Glebe Park and not for private residential accommodation purposes AND therefore to
- oppose the Development Application AND to take all steps to ensure that the Development Application is not approved.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

## **Revenue Legislation Amendment Bill 2005 (No 2)**

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

Title read by Clerk.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (10.32): I move:

That this bill be agreed to in principle.

It is appropriate that today I should be introducing a Revenue Legislation Amendment Bill. The Revenue Legislation Amendment Bill amends the Duties Act, the Land Tax Act, the Payroll Tax Act and the Rates Act.

There are changes to three areas of the Duties Act. The first relates to general insurance, where an error in the definition of general insurer has been corrected. Also the definition of insurer has been amended to clarify which insurers are required to register with the Commissioner for ACT Revenue under this act.

The second change to the Duties Act addresses inequities in relation to buyers of new motor vehicles. Currently duty is imposed on the registration of a motor vehicle on the greater of the purchase price or the market value at the time of purchase. Inequities are created due to the broad range of prices declared for new motor vehicles and the difficulty in determining a universally accepted market value. Further issues arise when one buyer has greater negotiating powers than another, where there are seasonal price variations and where manufacturers' incentives to dealers to increase turnover can temporarily affect the sale price of a vehicle.

To rectify this situation, the bill introduces measures to calculate duty on the application for registration of new motor vehicles on the list price. This is the price fixed by the manufacturer, importer or main distributor in the ACT as the retail selling price in the ACT. This ensures that similar amounts of duty are assessed on similar new vehicles, regardless of pricing variations and the bargaining power of the purchaser. This is the same basic method of calculation used in South Australia, Western Australia and Queensland. It will reduce compliance costs and create administrative efficiencies for government and will increase certainty for taxpayers. Purchasers of used motor vehicles will not be affected by this measure and duty will continue to be assessed on the greater of the purchase price or market value.

I am pleased to announce that the third change to the Duties Act introduces an exemption from duty on the cost of specific motor vehicle modifications made to accommodate the needs of people with a disability. The value of modifications made after a vehicle is purchased and registered does not currently attract duty. However, duty is payable on the

total value if a vehicle is purchased with modifications. These modifications are necessary to provide greater mobility for people with a disability, and it is not equitable to charge duty on their cost simply because that cost is included in the price paid for the vehicle.

This exemption is intended to apply broadly. It applies to an owner with a disability who requires modifications to be able to drive a vehicle and to an owner of a specifically modified vehicle that is used to transport a person with a disability. The definition of a person with a disability in the Duties Act has been broadened and modernised to give effect to this proposal and to ensure consistency with the commonwealth/state/territory disability agreement.

The bill also makes two amendments to the Payroll Tax Act. The first requires employers to register with the commissioner when wages exceed the determined threshold. To avoid any inconvenience, employers who lodged returns in the month before the commencement of this provision will be deemed to have registered when this provision commences. This measure will bring the ACT into line with other jurisdictions and with the registration requirements of other ACT returns taxes.

The second Payroll Tax Act amendment provides an exemption for wages paid by group training organisations to trainees, including apprentices. Group training organisations play an important role in helping to address skill shortages by providing continuous employment and training for trainees. There are also benefits to the host of employers who might not have the resources or the quantity of work to employ and occupy a full-time trainee.

Action 35 of the economic white paper acknowledges the provision of these benefits. It forecasts the government's intention to provide an exemption from payroll tax to wages paid or payable by group training organisations to second and third-year apprentices. This bill implements this policy objective and goes a further step to include all wages paid or payable by an approved group training organisation to eligible trainees for the full term of the contract, which may be up to four years.

Group training organisations must apply to the Commissioner for ACT Revenue for this exemption. It is restricted to wages paid to trainees by not-for-profit group training organisations that provide training to trainees under approved training contracts and place these trainees with a host of employers.

As a revenue protection measure, this bill amends the Rates Act and Land Tax Act to augment existing provisions to allow the commissioner to recover outstanding amounts of rates and taxes from long-term debtors. Under both acts, the commissioner can apply to the court for an order to sell a property for the non-payment of rates and land tax. If the court is satisfied the provisions of the act apply, the court must order the sale of the property by public auction. The commissioner must follow certain procedures prior to making the application to the court, and only persistent offenders, who have been in arrears for more than two years, can be pursued under these provisions.

The proposed sale of property may be stopped at any time by the payment of the total debt, including all reasonable costs and expenses incurred by the commissioner up to the date of payment. The bill clarifies that any residual costs relating to the abandonment of

the proposed sale that are incurred after the payment is made can also be recovered from the debtor.

The power to sell a property to recoup a debt is currently confined to the debt on that particular parcel of land. If an owner holds more than one parcel of land and they are all in arrears, the commissioner would currently have to sell all the properties to recoup the debts. The bill expands the current provision to allow recovery of rates and land tax debts owing on other properties held by the same owner, but only if the commissioner requests such payment in the application to the court.

The new provision protects the mortgagee's interest and that of any other person with an interest in the land as well as the rights of any other interested person. These parties and the commissioner are paid before any remaining proceeds can be used to pay arrears on other parcels of land held by the same owner. The person who was the owner before the sale is only entitled to any remaining proceeds after these payments are made.

In the case where an owner is in arrears on two or more properties, the ability to use the proceeds from any one sale to pay the arrears on other properties removes the need to sell each property to recover arrears on that particular property. However, if there are insufficient proceeds from the sale of one property to pay all interested parties and outstanding rates and land tax debts, the commissioner has the power to apply to the court to sell a further property held by the same owner.

The final provision of the bill extends the existing powers of the commissioner to defer rates liabilities. Currently the commissioner may defer an eligible ratepayer's liability to pay rates if they apply for relief. Such a deferment incurs at a low rate of interest on the deferred amount, rather than compound penalty interest on an unpaid debt. Deferment also prevents the issuing of arrears notices and legal action to recover the debt. The deferment remains in place until the rates are paid or the property is sold, at which time the territory recovers the deferred amount plus interest.

There are occasions where a ratepayer's personal circumstances do not allow them to apply for a deferment. In these cases, unpaid rates accrue penalty interest, arrears notices are issued and legal action to recover the debt may be taken. To provide assistance to these owners, this bill gives the commissioner the power to defer a ratepayer's liability to rates in exceptional circumstances without an application. This power can only be used to defer rates liabilities on a residential property where the commissioner becomes aware of a ratepayer who is unable to make an application for deferment due to unusual or exceptional personal circumstances. The commissioner's decision to defer rates without an application from the owner will be subject to the normal objection and appeal rights. I commend the Revenue Legislation Amendment Bill 2005 (No 2) to the Assembly.

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

## **Smoking (Prohibition in Enclosed Public Spaces) Regulation 2005**

### **Motion for disallowance of SL 2005-21**

**DR FOSKEY** (Molonglo) (10.42): I move:

That Subordinate Law SL2005-21, being the Smoking (Prohibition in Enclosed Public Places) Regulation 2005, made pursuant to the Smoking (Prohibition in Enclosed Public Places) Act, be disallowed.

This regulation, the Smoking (Prohibition in Enclosed Public Places) Regulation 2005, is about defining outdoor areas where smoking may be allowed. I acknowledge that Anne Cahill Lambert, an ACT resident, is in the gallery. She is a lung disease sufferer and lifelong non-smoker who shares my concerns and the concerns of very many health professionals regarding this regulation. This regulation has not been drafted on the basis of any healthy evidence and is, in fact, an abrogation of responsibility by the health department and, in terms of worker safety, of the minister responsible for occupational health and safety.

I understand the context in which this regulation has been drafted. I accept that the act under which it is made ensures that people will be free of exposure to environmental tobacco smoke when they are inside a building, although perhaps not if they are near a door or a window close to a permitted smoking place.

Tobacco smoking is a legal addiction. I have no intention here of painting it as an evil, filthy activity that ought to be hidden from all public view. It is one thing to adopt a practice in the knowledge that one may be harming oneself, and quite another to knowingly allow it to be inflicted on others. If people smoking cigarettes want to enjoy their drink or coffee with others doing the same things, I am certainly not on a campaign to stop that. What I am objecting to here on behalf of the Greens is the way it is being done.

The intent of the original act is to eliminate tobacco smoking and, as much as possible, environmental tobacco smoke in enclosed public spaces. The government's own regulatory impact statement put the economic health benefits of that requirement in the ACT at hundreds of millions of dollars. As its own analysis also says, that evaluation did not factor in the impact of outdoor rooms with bars, stages and, potentially, gaming machines.

The government argues that there is no scientific evidence to specify a safe level of enclosure. In fact, the government's own regulatory impact statement specifically addressing this situation—the partial enclosure of outdoor smoking places—argued that the relative health benefit of smoking outdoors would only be evident in much less enclosed spaces. There is no shortage of information that environmental tobacco smoke damages your health.

So it is worth looking at the approach taken in other jurisdictions. Queensland has dealt with the issue by requiring any smoking places to be unserviced—in other words, ensure that workers do not have to serve food or drink to people in ETS-thick environments, by separating smoking places from the rest of the facility to allow the environmental tobacco smoke from infiltrating other parts of the establishment and by setting aside special areas of outdoor cafe tables at a distance from non-smokers.

Western Australia and Tasmania have adopted a 50 per cent rule, which will allow environmental tobacco smoke to escape more quickly than from a place enclosed on

three sides, with a roof, because that is what 75 per cent enclosure means. We should remember that those states that have not moved yet on this issue are watching the ACT.

It is interesting to note that it is not smokers as a general class who are arguing for more enclosed smoking places; it is businesses that believe that they have something to lose. We should also remember that there has been a big move by clubs and pubs around the world against regulations such as this, all because they see any control over smoking as a threat to income. We can all recall the vociferous concerns put forward by industry groups when controls on smoking in public places were first mooted.

Strangely, it seems that the long-term effect of removing environmental tobacco smoke from cinemas, aeroplanes, restaurants, coffee shops and bars has not been to shut those businesses down at all. Indeed, they have prospered, and people's comfort and health have benefited. Seemingly, this is a more important role for government than protecting the income of clubs when this mitigates the wellbeing of workers and patrons.

Even Ireland, a cold, indoor sort of country, where I believe it is always raining, with a great history of pubs and drinking and smoking, has recovered from the shock of eliminating indoor smoking. Businesses that swore blind they would go bust are, instead, going gangbusters.

Nor have I ever heard any of those bodies which campaign so vigorously against smoking restrictions turn around and admit that their arguments were wrong, despite the proof that they were wrong. They have never allowed that to enter any of their representations to government. So why does government not tell them they were wrong?

The one area where there is a link between cigarette smoking and profits is gaming. There is a demonstrated link between intense poker machine use and smoking, particularly for those people who can be described as problem gamblers. One agreed harm minimisation method for people dealing with gambling problems is to ensure that they have regular breaks from their machines. This gives them an opportunity to consider where they are up to, look at their gains and their losses and decide whether or not to return to their machine.

Leaving their machines for a minute while they have a cigarette is important—absolutely essential—for this to work. That they are out of sight of that machine for that time is a recognised harm minimisation method. I do not have the time to go into the problems related to gambling here. That is another issue in itself. If this smoking regulation could be used to reduce the incidence of problem gambling, that is something else that should be brought into the conversation.

Not only have the clubs and pubs with poker machines campaigned vociferously against any proposed elimination of smoking in gaming rooms; they have loudly bemoaned any perceived loss of income where it has come into place, and many of them are now designing smoking places with gaming machines or, failing that, with sight lines to their machines just to keep that special relationship going.

The clubs in the ACT, whose whole rationale increasingly looks like it is poker machines, have now cut back on their support for Lifeline's Clubcare support for problem gambling. What does this say about their real community commitment?

I appreciate that the object of the ACT government was not one of minimising problem gambling. However, there was an opportunity here to take the reality of smoking and gaming into account when the regulation was drafted. It is inexcusable that it was not done.

A new key factor influencing the effect of this is the new industrial relations and welfare-to-work regime that the federal government is introducing. One of the undeniable consequences of these changes is that there will be a bigger pool of unrepresented, fairly vulnerable workers unsure of their rights and entitlements. They will have no leverage to insist on a safe working place or even to limit the amount of time they must spend in the 75 per cent enclosed smoking places.

What we are doing in the ACT has a national significance; so the occupational health and safety implications are important. This regulation will not rule out bars and other services being a part of 75 per cent enclosed smoking places. It does not rule out live entertainment in smoking places. It does not ensure that waiters and bar usefals cannot be required to clean up inside smoking places while they are being used.

It is conceivable that the ACT Occupational Health and Safety Commissioner will take a strong line on this. I hope that he will. I look forward to hearing some reassurance from the Minister for Industrial Relations that she would support and encourage such a vigorous approach. But, even with that, there is no guarantee that the kinds of abuses I am talking about will not happen a lot in the ACT. In other jurisdictions it is even less likely that the rights and safety of all staff and patrons will be considered, as we have been very proud of our occupational health and safety strategies and record.

One problem specific to this regulation is that an area is to be taken to be open when it is in fact open. Rooms can have walls that open and close. If there is a WorkCover inspector coming, I am sure that walls, windows and roofs could be more open. At other times, when it is cold, late or whatever, then they could be more closed—74 per cent today, 85 per cent tonight. No-one imagines it is going to get any easier for union OH&S representatives to get access to workplaces across Australia, perhaps even in the ACT despite our legislation.

Of course, I hope that the clubs for whom this regulation appears to be designed are aware that things will change. I regret that they will be able to argue that the investment they put in to create the 75 per cent enclosed spaces needs time to be realised. This was avoidable. And it should not have been allowed to happen. The health minister has flagged that an approach similar to Queensland is in the pipeline. But how long is that pipe?

I am moving to disallow this regulation because those changes ought to be made now rather than three or four years down the track, when all the venues have built their unenclosed, fully covered, serviced, weather-protected, gas-heated smoking rooms. When making this regulation, the ACT government could have ensured that the health and safety of all patrons and staff would be protected, while people wishing to have a smoke could still find a comfortable place with their drink, out of the weather.

In taking the easy way out with the 75:25 rule, the ACT government has embedded more problems for smokers in clubs and other venues further down the track. It has offered a similar thoughtless, unhealthy path to other jurisdictions and has condemned an unknown number of workers and patrons to uncalled-for illness.

**MR CORBELL:** (Molonglo—Minister for Health and Minister for Planning) (10.54): It is interesting that in her speech Dr Foskey tells us what is wrong but she offers no alternative of her own. She offers no definition of “enclosed”, which is a requirement under the act. The act prohibits smoking in enclosed public areas. How does Dr Foskey interpret “enclosed”? She expresses no view on that matter, and I think that is telling.

It has been said that, in order to see clearly where you are going, you need first to look at where you have come from. We have come a long way since the enactment of landmark legislation 11 years ago that established non-smoking environments in the majority of enclosed public places. At the time the legislation was the subject of heated debate and serious concerns among some sectors of the hospitality industry. The fact that this legislation has been so well accepted, so successful and so highly valued is testimony to all-party support within this chamber and to strong support throughout the community.

After a 12-month phase-in period, smoke-free dining took effect in the ACT on 5 December 1995. Since that time only a handful of restaurants have chosen to obtain an exemption to permit indoor smoking. Restaurants and other businesses have continued to thrive. Children who are now 10 years old have never experienced tobacco smoke inside a restaurant, cafe, shop, cinema or theatre. Throughout the lifetime of these young ACT citizens, most places where they would have had occasion to go, such as food outlets, local shopping centres, cinemas, theatres and sporting, recreational, and entertainment venues have all been smoke-free.

There have been exceptions because of the exemptions that are allowed under our current legislation. Smoking has remained in about 100 premises, primarily pubs, nightclubs and licensed clubs. But we now have legislation that will phase out smoking in these remaining smoking areas inside hospitality premises by 1 December next year. What does this mean? It means that, in a little over a year’s time, people will be able to go anywhere in the ACT and visit a restaurant, pub or club without having to breathe other people’s smoke. That is the major public health benefit and advance as a result of this legislation.

The impending removal of exemptions will mean that the concept of an enclosed public place will become much more significant for an understanding of the requirements of the act. It means that we must have an unambiguous definition. We have been able to get away with it because of the exemptions regime, but we cannot any more. We must define “enclosed”. If there were a clear, scientifically grounded and generally accepted way to formulate smoke-free enclosed public places requirements, then the job of the government would have been much easier. But the reality is unfortunately not that simple.

In developing the regulation we found that the meaning of “enclosed” was characterised by a distinct lack of clarity, an absence of scientific evidence for any particular approach and very little agreement or consistency, either nationally or internationally. As with

many other areas of public health, how to phrase regulatory requirements and what constitutes health protection are likely to be the subjects of ongoing discussion. The government and ACT Health will continue to monitor scientific opinion, legal opinion and public opinion in relation to these matters.

In this environment, and with the impending end of the exemption system, it has been the government's responsibility to provide a regulation that would make clear to proprietors and customers what kinds of places would be required to be non-smoking. It is no good pretending that we can ignore this issue or manoeuvre around it or delay it. Our legislation is the Smoking (Prohibition in Enclosed Public Places) Act 2003. It refers to a definition of "enclosed" which is contained in the regulation, so a definition must be provided.

It is crucially important to understand, however, that a regulation that defines "enclosed" for the purposes of defining where smoking is prohibited is exactly that. It does not say that smoking cannot be limited in places that fall outside this definition. Indeed, it is quite possible that some proprietors may introduce further restrictions in response to customer demand, occupational health and safety requirements and to prevent smoke drift into other areas.

I do not consider that this regulation precludes the government from further consideration of the issue of smoking in outdoor areas, including outdoor eating and drinking areas, areas near building entrances, the grounds of educational and health care facilities and children's play areas, for example. I intend to look at policy options for these areas in the near future.

The regulation that has been made provides a useful way forward in dealing with a complex issue, an issue which has not yet been clearly addressed in a number of other states and territories, including notably New South Wales. The regulation sets out what an enclosed public place actually is and how to work out whether any given place is enclosed. The approach reflected in the regulation was developed after consultation with key health and hospitality industry stakeholders over many months, as well as taking into account advice and comments from other professions, including the architectural profession.

I believe that the resulting regulation represents another important step forward in establishing non-smoking as the norm in enclosed public places. While there will be those who have differing views about the detail of the exact requirements, creating smoke-free environments in all enclosed public places in the ACT is, however, a massive step forward. There will be no more tobacco smoke in indoor areas of pubs, clubs, bars, nightclubs, cafes and restaurants. That is the major public health benefit.

Arguing about whether the 75:25 ratio is better or worse than any other formula is simply not productive. There is simply no national or international agreement on how to define "enclosed" in relation to a public place. The government's own regulatory impact statement that considered this matter reported:

There is no agreed definition across Australia(n) ... jurisdictions as to how to differentiate between spaces where environmental tobacco smoke is, and is not, likely to be a problem.

The regulatory impact statement also highlighted the difficulties of coming up with a magic formula. It found:

There is no definitive scientific study which provides a basis for comparison of exposure of a three-sided room versus a one-sided room, and so on.

The report concluded:

There is no specific medical or scientific guidance as to precisely what threshold of enclosed is problematic.

The report also noted that the definitions adopted in other jurisdictions have been developed “without any clear scientific and medical evidence as to the degree of enclosure that is necessary to reduce tobacco smoke exposure to a reasonable level”.

In this difficult and complex environment the ACT has sought to provide clarity and certainty for all involved. The absence of conclusive scientific evidence means that, if we are to move forward, we must do so with a view to balancing a range of information, interests and priorities. There will always be differing views on how best to achieve this. One thing that we have done in the regulation is to tighten up some aspects of how “enclosed” is defined compared with that which is currently being used under the existing legislation, in effect. The key change, which followed consultation with architects and other building advisers, is in relation to surfaces that partially impede the flow of smoke and air.

The regulation states that permeable materials, such as flyscreen and shade cloth, are considered to have a solid surface and count as contributing to the total degree to which the place is enclosed. This contrasts with the current interpretation of “enclosed”, under which these materials would not count towards the area of the place that is enclosed. Under the regulation, the solid area of structures with larger measurable solid surfaces and openings, such as lattice and railings, will be assessed according to the actual areas that are solid and that which are open. This will result in a much more fair and accurate determination.

Under the regulation, it will be easier to determine what is enclosed because potentially the only places that will be enclosed are those under an overhead cover. If a public area is not under a ceiling, roof, awning, umbrella or other overhead cover, it will not be considered enclosed for the purposes of the regulation. The requirements of the act, however, make it clear that if smoking occurs in these areas proprietors will have to take reasonable steps to prevent smoke from affecting any non-smoking areas that may be adjacent or nearby.

This is another important point that I want to make about this regulation because it has been the subject of some misunderstanding. This legislation is about protecting people from tobacco smoke in enclosed public places. It is not about finding solutions for problem gambling or replacing or superseding occupational health and safety legislation. It has been claimed that it will be beneficial to require smokers to take a break and move away from the gaming area if they wish to smoke. I do not argue with that, but that is not the purpose of the legislation. For protecting employees from foreseeable risks in the

workplace we have a separate regulatory occupational health and safety framework to address these issues.

Inevitably there is always some overlap, but the issues are not inherently in conflict. It must be remembered that there are many workers, not only those in the hospitality industry, whose workplaces fall outside the scope of the smoke-free public places legislation, and their needs must also be considered. That is why we have systematic consideration of these issues for these workers through the occupational health and safety laws and policies.

Where smoking in unenclosed public places gives rise to occupational health and safety issues, it will be the responsibility of ACT WorkCover to ensure that these issues are dealt with consistent with obligations of employers under the Occupational Health and Safety Act and other legislation. WorkCover has already provided, and will continue to provide, information and advice to employers on how best to meet their occupational health and safety obligations. In a media release on World No Tobacco Day this year, the WorkCover commissioner stated:

Employers are required to provide healthy and safe workplaces, and allowing employees to be exposed to tobacco smoke through passive smoking breaches this obligation.

Our legislation in relation to smoke-free public places does nothing to override or undermine these fundamental requirements of employers. WorkCover has also advised employers that, in order to protect staff, bar service points should not be located in areas where smoking occurs. The commissioner has noted:

Employers have a continuing occupational health and safety obligation, and need to give careful consideration when making any alterations to their buildings in response to the 75:25 rule as to how these safety obligations will be met.

I know there are varying views on the details of this regulation, but the facts remain. Ending the current exemption regime and eliminating smoking from indoor areas represents a major step forward in terms of health protection and public health. Gaming areas, bar areas and other areas inside hospitality venues where smoking currently occurs will, from 1 December next year, become totally smoke-free. As a result, thousands of Canberrans, both patrons and staff, will be protected from the harmful effects of tobacco smoke in these areas. There will be a significant overall benefit to the community from reductions in both active and passive smoking.

The government is extremely proud of what is to be achieved through this regulation and the principal act. We are talking about minimising people's exposure to environmental tobacco smoke in enclosed public places throughout our city for the first time ever. We are talking about providing environments that encourage and support people who are trying to stop smoking. We are talking about establishing non-smoking social environments that discourage the uptake of smoking by young people. ACT public health officers have already been visiting premises and explaining to employers and proprietors what the new requirements will mean and what they will need to do to comply. The information and education awareness process will increase during 2006 in the lead-up to, and following, the implementation date of 1 December.

The government is firmly committed to reducing tobacco related harm by discouraging the uptake of tobacco use, encouraging smoking cessation and protecting people from environmental tobacco smoke. We are committed to reaching the goal of smoke-free, enclosed public places by December 2006. We will continue to work with health groups, the hospitality industry and others to achieve implementation of this important reform. The government does not support this disallowance motion today.

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.09): As has been previously stated, the opposition will be supporting the regulation as it stands. We will not be supporting this disallowance motion this morning. We think that the regulation goes a long way to addressing the concerns that many groups have raised, and the minister has just referred to some of them. I acknowledge that it does not go as far as some groups would like, but I think there needs to be a process of both certainty and reality as to what it is that we can achieve here.

I have spoken with many of the groups that Dr Foskey said have done nothing to contribute to making the workplace smoke-free. They include the clubs and the hotels. If Dr Foskey had been at the clubs' annual dinner earlier this year, she would have heard the president say, "We know we have to work on this. We want to do it. We want to do the right thing by all involved. What we want out of it, though, is some certainty." This regulation gives certainty. That is why we will be supporting it.

As we have said, though, we will watch the outcome with interest. We will monitor the effectiveness of the regulation to make sure that it delivers what the minister has outlined. We think that, as many of the pubs and clubs have already made changes to accommodate the regulation, it is reasonable that it proceed.

Contrary to what Dr Foskey said, much has actually been done voluntarily, particularly in the pubs and clubs, to accommodate the non-smokers and to make safer workplaces. The clubs have worked very hard, in my opinion, to create a better environment. In the past few years the hotel industry has stopped smoking at check-ins and in lobbies. All the little troughs that used to be on the front of bars have disappeared to discourage smoking at the bar. There have been a lot of practical things that have been done on a voluntary basis.

I accept that some people do not think they have gone far enough. But what I have heard is a commitment from many of the industries where smoking is directly involved, such as clubs and pubs, that they want to make sure they are not affecting anybody. They are working towards that, but they want some certainty. With that in mind, we will not be supporting this disallowance motion.

**DR FOSKEY** (Molonglo) (11.11), in reply: I rise to conclude the debate and to respond to some of the things that have been said by members. Their views are no surprise to me. The writing was on the wall about the way both parties would vote. Still I felt it was important to move the disallowance motion.

I thought it was really important to state my reasons and to have the debate, because a very large part of the community is very concerned about the definition of "enclosed" that we have come up with. I thought it was very important to represent those views in

this house. I do understand that the health minister feels that the government was perhaps caught between a rock and a hard place, and I am very well aware that the path of politics is not an easy one. The minister asked me what the alternatives were and in my earlier comments I suggested a number of them. Of course, other states and jurisdictions have found alternatives. I guess it depends. You start off with a priority and then you find the method of achieving that priority.

It is very important to note that New South Wales is watching the ACT. It is important because our people hop across the border all the time and people from New South Wales come into the ACT. The government's own evidence, which was put before it by its regulatory impact statement, shows very clearly that the higher degree of enclosure, the less safe it is for people inside that area. Our concerns about occupational health and safety were answered in part by the minister. I am sorry that the Minister for Industrial Relations is not here to respond to the motion. We will be watching the regulation very carefully, and I am sure that workers and their unions will as well.

Mr Smyth said that clubs have been calling out for certainty. I certainly was at the event he mentioned and I did hear that said. But what is clear is that the regulation does not actually offer clubs and their boards of management any certainty because they do not know when we will move to the more desirable outcome where smoking areas are fully unenclosed. I am not sure how much certainty they feel they have.

I have had a lot of support from constituents. I had a call today from a member of perhaps one of the less wealthy clubs, indicating that some of the clubs have fewer resources at their disposal for implementing the new regulation. This club member said that in her club expansion of its semi-outdoor area to be 75 per cent enclosed has meant a loss of parking for the disabled. So there are winners and losers on this one. If we had fully unenclosed outdoor areas, clubs could work with some of the areas they already have.

Just to reiterate points that I have probably made in earlier debates, a market research survey in June 2005 found that 64 per cent of ordinary Australians said that it was unacceptable for up to 75 per cent enclosed rooms to be called outdoor and have smoking allowed in them. Even research by that company Philip Morris, which you cannot say would be opposed to smoking anywhere, found that 89 per cent of people would go more often, or it would make no difference to their attendance at hotel bars if they were smoke-free. Support for non-smoking bans is highest amongst the 18 to 24-year-olds, that group that have grown up in smoke-free restaurants and other spaces. We can be very proud of that result, but those people are now demanding that all their entertainment be in smoke-free places.

Incidentally, I am reminded of a conversation I had with club representatives earlier this year. Their concern was that young people of this very age group were not flocking to clubs. They do have a crisis. Their crisis is not just smoking. Their crisis is that they are probably not providing the services that a lot of young people require, and apparently they require smoke-free places. Just a reminder—smoky workplaces are actually illegal under existing Australian occupational health and safety laws. They place a legal obligation on employers to provide a safe workplace, and that is where our management of this new regulation will be absolutely crucial.

The regulation, which will undoubtedly be passed, also undermines anti-discrimination laws because it will effectively alienate people with smoke-affected disabilities, such as heart and respiratory conditions and diabetes, from attending those venues. The regulation would leave ACT bar workers, musicians, entertainers and gaming machine technicians exposed to proven harmful levels of second-hand smoke. In 2003 the National Occupation Health and Safety Commission sent a clear message to states and territories and to all employers that second-hand smoke in workplaces is illegal and should be banned immediately. Its guidance note on the elimination of environmental tobacco smoke in the workplace recommended that exposure to it should be excluded in all Australian workplaces and that this exclusion should be implemented as soon as possible.

I was very pleased to hear Mr Corbell define some of the materials that will not be allowed to be used in declaring a place 75 per cent compliant, such as shade cloth and fine wire netting. The American Society of Heating, Refrigerating and Air Conditioning Engineers Board of Directors has stated:

Adverse health effects for the occupants of a smoking room cannot be controlled by ventilation.

No other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have been demonstrated or should be relied upon to control health risks from Environmental Tobacco Smoke exposure in spaces where smoking occurs. Some engineering measures may reduce that exposure and the corresponding risk to some degree while also addressing to some extent the comfort issues of odour and some forms of irritation.

To sum up, I think that the 18 to 24-year-olds have said it all. Many of them have been brought up in smoke-free houses and go to smoke-free restaurants with their parents. They have heard the message to their generation—it is well and truly clear—that smoking is not good for them. Of course, we know that too many of them are taking up smoking anyway, but they are the future patrons of these places and I hope that they make their point of view loud and clear and that it is heard by the government sooner, rather than later.

Question put:

That **Dr Foskey's** motion be agreed to.

The Assembly voted—

Ayes 1

Dr Foskey

Noes 14

Mr Berry

Mr Corbell

Mrs Dunne

Mr Gentleman

Mr Hargreaves

Ms MacDonald

Mr Mulcahy

Ms Porter

Mr Pratt

Mr Quinlan

Mr Seselja

Mr Smyth

Mr Stanhope

Mr Stefaniak

Question so resolved in the negative.

## Planning and Environment—Standing Committee Report 16

Debate resumed from 15 November 2005, on motion by **Mr Gentleman**:

That the report be noted.

**MR PRATT** (Brindabella) (11.25): During the tabling of this report on the sustainability and bushfire recovery conference, I noticed that there were issues of importance in it surrounding this government's management of bushfires and, more importantly, managing the research and analysis into what failed in the past. Section 1.9 states:

... Decisions about bushfire need to be made within a decision-making framework suggested by the COAG National Bushfire Inquiry as the '5Rs'—research, information and analysis; risk modification, readiness, response and recovery.

However, the previously issued COAG national inquiry on bushfire mitigation and management continued the trend of governments with their heads in the sand, so I do not necessarily agree with the preceding statement. I want to concentrate here today on how disappointing it was that the bushfire recovery conference, which this report covers, did not address the fact that two of the most important aspects of a post-disaster recovery process, that is, research and analysis, have been woefully inadequate. This inadequacy, I believe, is to be sheeted home to both the COAG national bushfire inquiry and our own Stanhope government.

The COAG bushfire report was simply another useful but ultimately disappointing report and, like the McLeod inquiry, was simply a wasted opportunity.

**MR SPEAKER**: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by **Mr Pratt**) put:

That the time allotted to Assembly business be extended by 30 minutes.

The Assembly voted—

Ayes 7

Noes 8

Mrs Dunne	Mr Seselja	Mr Berry	Ms MacDonald
Dr Foskey	Mr Smyth	Mr Corbell	Ms Porter
Mr Mulcahy	Mr Stefaniak	Mr Gentleman	Mr Quinlan
Mr Pratt		Mr Hargreaves	Mr Stanhope

Question so resolved in the negative.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77.*

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MR MULCAHY** (Molonglo) (11.32): Pursuant to standing order 246A, I wish to make a statement, on behalf of the Standing Committee on Public Accounts, on a review of Auditor-General's performance audit report No 4 of 2005 into courts administration. On 21 September 2005, Auditor-General's report No 4 of 2005 was referred to the Standing Committee on Public Accounts for inquiry.

The committee resolved on 28 September 2005 to inquire further into the report. The committee will be seeking submissions to its inquiry next year and is intending to hold public hearings in March and April of 2006. The committee is expecting to report to the Legislative Assembly on the report as soon as is practicable.

## **Emergencies Amendment Bill 2005**

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

That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (11.33): I rise today to speak generally in support of the government's Emergencies Amendment Bill 2005. I will commence my speech by reviewing some of the aspects of the bill that the minister previously tabled. This bill, as the minister explained previously in the June sitting, amends the Emergencies Act 2004 and also amends the Fuels Control Act 1979 and the Occupational Health and Safety Act 1989.

The Emergencies Act 2005, referred to by me now as the act, and its regulations came into effect on 1 July 2004 in response to the aftermath of the January 2003 bushfire disaster and to facilitate the formation of a new Emergency Services Authority to replace the previous Emergency Services Bureau. It includes a raft of amendments which the opposition recommended and which, thankfully, were agreed to by the last Assembly, making it, we believe, a much more effective piece of legislation.

Among other things, the act sets out the powers and responsibilities of the ESA, the commissioner, staff, officers and component services under these new arrangements. The bill makes some amendments to clarify the meaning and intent of the original act and to make some minor policy changes. The minister claims—and I would agree with his claims—that for the most part the proposed amendments and additions do not significantly alter the make-up and functions of the authority and its component services. After examining the bill and its impact on the Emergencies Act, I would agree that this, for the most part, is the case.

It is of some significance, however, that the bill amends the act to ensure that the authority now has a role in planning for, not just managing, emergencies. The proactive planning component is essential in preparing for community safety in the event of another disaster, and to that end the opposition is entirely supportive. It is certainly no good being reactive and simply responding to or managing an emergency under way. There needs to be significant planning, and I think that has been fairly well addressed.

Unfortunately, however, despite all the rhetoric, it is questionable how far this government has really gone to ensure that the ACT has been resourced and has planned enough for evacuations in the event of other disasters, notably a terrorist attack. That is another discussion, another debate, for another day, but further discussion of the government's failings in that area will have to be returned to at another time.

There are some identifiable benefits to the amendments, including, as I just mentioned, ensuring the authority has a role in planning, not just managing, emergencies. It now ensures that there are an additional 15 days for public comment on the strategic bushfire management plan after the initial 15-day viewing period. I think that is a good move and a good step forward, but I do not think it is enough and I will come back to that later. It also ensures that land managers of unleased territory land and owners of land within a bushfire abatement zone must lodge a draft operational bushfire plan with the authority and that the authority must give the community regular reports when an emergency is likely to happen, not just when an emergency is under way.

It is unfortunate that it took the serious failing of warnings to the community and lack of information flow to the media during the 2003 bushfire disaster to identify this as a significant flaw in the system, a weakness in the system. Nevertheless, it is a welcome improvement and certainly it improves a situation that transcended a number of governments, not just this government; I will make that point before I proceed any further.

Another improvement is that this amendment enables the authority to have more power when the minister declares a fuels emergency, rather than leaving those powers with the fuels controller, and it ensures that the fuels controller provides information about storage, supply and use of fuel when an emergency has been declared to the authority.

These are all welcome improvements to the Emergencies Act 2004. However, despite the minister's assurances that the changes are for the most part insignificant, it appears some of the proposed amendments do have the potential to impact quite significantly in some areas, which I will discuss in more detail below. The two consecutive 15-day time periods, the first for viewing and the second for submitting written submissions on the strategic bushfire management plan, are simply not long enough. These periods might need to be extended to allow for serious perusal and analysis of any draft strategic bushfire management plan prior to adoption by the authority.

Bushfire management is a serious subject area and one that has the potential for significant impact on the entire community. A flippant 15 days in which to critique the SBMP or bushfire operational plan submitted and then 15 days to respond in writing I think is far too short a period. It is a gesture of consultation but it is not substantial and barely long enough to allow the government to properly analyse the draft BOP, let alone allow for further public comment.

The opposition thinks that at least four weeks or 28 days after the initial 15-day viewing period ends is a much more appropriate time frame and I will be moving an amendment later to that effect. Looking further into the bill, the requirement of public land managers and private landholders in a bushfire abatement zone to provide the authority with a draft operational bushfire management plan every two years is reasonable and we support that.

We understand the two-year cycle for putting together, analysing, researching, testing and, if necessary, reviewing a plan.

However, under the new changes that are proposed, if the authority does not decide within 40 days to accept or reject a plan, that plan is deemed to be accepted. Also, the bill only specifies that the authority may approve a draft plan; it does not say that it must approve a draft plan. I have a major difficulty with that and the opposition in general is not particularly happy with that. This is totally flawed by this “may” approve rather than “must” approve, and may allow a plan to be accepted if it has not been analysed in time. It is flawed because, if the authority does not even get a chance to examine the draft, it is not even officially rejected. What happens if the plan is grossly inadequate yet the land-holder is presumably not advised of this and is not required to draw up a new plan for another two years? So a plan that has not had time to be processed by government and its agencies is allowed to be approved and then allowed to sit around for two more years, regardless of its inadequacies. I think that is a fundamental failure in the system.

The opposition is concerned that there is also nothing to force the authority to even pick up the plan and examine it in the first place. It is only at the authority’s discretion whether they can get to all bushfire operational plans, analyse them all and then deem them appropriate. We believe there should be a more concrete benchmark that puts an obligation on government to grab hold of these damn things, review them and approve them or send them back for resubmission.

This has the potential to allow some serious problems to arise during a bushfire emergency that could otherwise be picked up sooner if the authority was required within the 40-day period to advise a land-holder or land manager in writing that their draft plan had been approved or rejected. We believe the authority must grab every BOP by the scruff of the neck and either approve it or reject it, and do so within a time frame that allows renewal, if necessary.

An amendment that appears to be lacking in this bill or the original act is one that gives the commissioner of the Emergency Services Authority the direct power to order land managers or landowners to reduce fuel loads if they have not done so in accordance with acceptable fuel load requirements either during an emergency or prior to one occurring if deemed necessary. This will obviously have to be addressed at a later date, as I have some serious concerns about the Emergency Services Commissioner’s powers in that area.

The opposition supports the bill generally, but will be recommending a number of amendments, which I will circulate now and move at the detail stage. I would hope that the government and the Greens will support these amendments in order to strengthen this Emergencies Amendment Bill, as these amendments seek to enhance the bill, and the act, to allow for more effective management of emergencies. While I support the government’s bill, I would also commend the amendments to further strengthen the bill.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.44), in reply: I thank members for their support and their comments. I express my disappointment and outrage that Mr Pratt would come down here and put some amendments before this Assembly without discussing them with my office. My office

has contacted his office to talk about the issues that he may have with the legislation. He indicated he had a misunderstanding, perhaps, of the terminology behind civil and personal liability. We addressed those, and our understanding was that Mr Pratt had no further concerns with it. I find it totally unacceptable to be presented with a couple of amendments with this kind of notice. It is an appalling state of affairs and at this stage of the game, unless the heavens open up, I feel disinclined to support them.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR PRATT** (Brindabella) (11.47): I seek leave to move amendments Nos 1 to 3 circulated in my name together.

Leave granted.

**MR PRATT**: I move amendments Nos 1 to 3 circulated in my name [*see schedule 1 at page 4337*].

My first amendment seeks to amend section 75 (1) (b), public consultation for strategic bushfire management plan, to read:

inviting interested people to give written comments about the draft plan to the authority at a stated address during a stated period ending at least 28 days after the end of the period mentioned in paragraph (a)

I think this is self-explanatory. It is designed to make more clear what the obligation is when a bushfire operational plan is submitted for consultation. My next amendment includes substituting the following in section 78 (2):

The person must give the authority a draft bushfire operational plan for the area in accordance with the strategic bushfire management plan by no later than 1 June of the year required for submission or review.

The aim of this amendment is to ensure that all land managers, who under the act have a responsibility for owning and managing a piece of land, are required to submit a bushfire operational plan. Not only that; they are required to submit the draft bushfire operational plan by 1 June of the year that that plan is being submitted or, if it is in the second year of the life of that plan, the year of review.

The aim of this amendment is to ensure not only that there is compliance by all land managers but also that the minister and the ESA are given sufficient time to review all bushfire operational plans and, if the authority is not happy with the calibre of those plans, to send them back to land managers and allow land managers to amend those plans and resubmit them to the authority in time to have them actioned before the bushfire season starts. This amendment also seeks to substitute the following in section 78 (3):

The authority is required to—

- (a) approve the draft bushfire operational plan for the area; or
- (b) approve the draft plan for the area with stated amendments; or
- (c) decide not to approve the draft plan.

Again, the aim of my substituted section 78 (3) is to ensure that the authority does address every single draft bushfire operational plan that land managers are obliged to submit. It allows the authority the right to either simply reject the plan or, on behalf of the land manager, to amend the plan with suggestions as to how that plan might be improved, to then of course be resubmitted for a further analysis, but at least to ensure that every single piece of land that is under the jurisdiction of the authority, in terms of bushfire management, has a bushfire operational plan covering it and submitted in good time.

The amendment also seeks to substitute the following in section 78 (4):

The authority is required to approve or reject in writing a draft bushfire operational plan with or without amendments within 90 working days of its submission to the authority.

That essentially means that, where we now require all land managers to submit a bushfire operational plan by 1 June, 90 days later we require the authority to either approve or reject that plan. The 90-day working period still allows time for remedial action to be taken well before the bushfire season for that year starts. That is the aim of our amendment to 78 (4). Again, it both reinforces the obligation of the land manager to submit the bushfire operational plan on time, and directs the authority to deal with that bushfire operational plan within a 90-day working period, which still builds in to the time frame of bushfire preventative planning sufficient time to take remedial action.

My next amendment seeks to insert the following section 84 (2) on fire fuel reduction:

The authority may, at any time in accordance with the strategic bushfire management plan and the Environment Protection Act 1997, direct the land manager of unleased Territory land and/or owners of land within a bushfire abatement zone to allow the relevant authorities to light a controlled fire and take other appropriate clearing actions for the purpose of reducing the risk of bushfire or the spread of the bushfire.

The aim of this amendment is to put more authority in the hands of the ESA commissioner, and indeed even the minister, to ensure that where there are parcels of land in the ACT where the land managers have not taken appropriate action to reduce the bushfire fuel hazard the authority can do so, or the authority can at least direct that land manager to take action or can go on to that land manager's land and, with the land manager, assist, advise or, if necessary, take action. We do not believe that it is good enough any more to allow what happened in 2002, when bushfire fuel hazard loads were allowed to build, which set in place the time bomb that we saw approaching the January 2003 bushfire disaster.

We do not think it is any longer appropriate to allow that risk to grow and it is not simply good enough to ask the community or to consult with the community and just hope that

the community will take action to reduce fuel hazard loads. Most land managers do. Most land managers will. Most people in our community are responsible citizens who take their duties seriously and ensure their fuel hazard loads are reduced. But there will always be a minority of landowners who will not—and in some cases perhaps they cannot; perhaps they are away or perhaps they are ill or perhaps they do not have the resources to undertake fuel hazard reduction tasks. In these cases, we believe it is essential that the Commissioner of the Emergency Services Authority has that authority to go to those land managers, through his agents, and either assist the land managers with resources or technical advice to undertake those hazard reduction tasks, or, in the minority of cases where those land managers refuse to comply with the direction to clear fuel hazard loads, the commissioner and his agents must have the authority to go in and clean up those landed areas. That is the aim of this amendment.

As I was saying earlier, we think the government's bill is a very sensible one. But I do not agree with the minister when he says that these are simply minor amendments to finetune the act. I think his bill actually goes a long way to plug serious gaps that exist in the current act. But we still believe that further steps can be taken. We would like to see the minister build more time in to allow for the processing of bushfire operational plans and we would like to see the minister build into the act a lot more authority to allow the Emergency Services Authority, if necessary, to take necessary action.

The first duty of government is its duty of care to the broader community and if, on behalf of the broader community, it needs to direct its agents to carry out cleansing work, it must do so. It must do that and we believe the bill must give it the authority. I commend the amendments.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.58): Mr Speaker, the Emergencies Act took a long time and a lot of negotiation with lots of people, a lot of it bipartisan, to come to fruition. Mr Pratt has wandered in here with these amendments after being offered the opportunity to discuss his concerns with my office. He chose not to do so. If he thinks for a second that he can wander in here with a couple of amendments, put them on the table, run a case and expect me to support them without having them checked by a competent authority, when I have very serious doubts about his competence in all things, then he has been smoking something. I feel disinclined to support these amendments and I advise the Assembly that the government will not be accepting any one of these amendments.

**DR FOSKEY** (Molonglo) (11.59): I must say that the arrival of these amendments at such a late date has required me to leave my chair in order to consult.

**Mr Hargreaves:** You should not have wasted your time as they will not be getting up.

**DR FOSKEY:** I know that they will not be getting up. I think that is a bit of a pity. I feel sorry that, unfortunately, Mr Pratt did not bring them to us until this late stage, because I think that that is the major reason that they are not going to get up. I think that there is some good sense in them and I am nonetheless inclined to support the first amendments to clauses 10 and 12, but I would need to consult before I could agree to supporting the amendment to section 84, which is a much more far-reaching amendment.

I should make it clear that I am going to support the amendment bill. I was prepared to support it as it is, and I will support the bill. It proposes straightforward, sensible changes, clarifies the emergency services commissioner's power by allowing him or her, currently him, to—

**MR SPEAKER:** Dr Foskey, we have already dealt with the in-principle motion and it would be better if you stuck to the amendments.

**DR FOSKEY:** I am supporting the amendment to clause 10 about public consultation because I believe that increasing the period to 28 days is reasonable. We all know the problems with public consultation. Interested people are usually busy people and allowing for 28 days seems like a move in favour of improved consultation. I do not think I would die in a ditch about the first part of the amendment to clause 12, concerning subsection 78 (2). It does seem reasonable to have a closing date by which the person must give the authority a draft bushfire operation plan, and 1 June seems sensible because it is just at the beginning and allows that person to plan for whatever it is they plan to do, probably during late winter and spring, before the bushfire period commences, which is usually in summer.

I think that changing “may” to “is required to” in subsection 78 (3) is a good move. “May” is one of those woolly words—a person might do it and might not—and it seems fair enough to require the authority to act. The amendment of subsection 78 (4) to require the authority to approve or reject a plan in writing is a good idea. Requiring it to do so within 90 days of the submission of the plan seems fair enough. But increasing the powers of the authority to direct or to undertake fire prevention actions does need looking into.

During the summer of January 2003 when we had our fires, my own block of land down in far-east Gippsland was surrounded by fire. In my absence, it was not even noted that there was a dwelling in the midst of this bit of bush and preparations were made to burn the whole area. It was only that a neighbour had alerted me to those plans that I was able to let people know that there was actually a house there. I see a few problems with that one and I am not going to support it, but I do suggest that perhaps discussions could be had between Mr Pratt and Mr Hargreaves, or various representatives thereof, and these amendments could be considered at some future time.

**Mr Hargreaves:** Discourtesy will be treated with discourtesy.

**DR FOSKEY:** In the interests of good legislation, discussion may well be a good idea.

**MR PRATT (Brindabella) (12.05):** Mr Speaker, I rise to take on board the comments that have been made here today in relation to these amendments. I believe that these amendments are very important. They go to the heart of good strategic management and holding people accountable for their actions, both those who have a responsibility to maintain land in vulnerable bushfire areas and, of course, our own authorities, to ensure that they do the best they can to prepare the community for coming bushfire seasons. So I believe that these amendments are fundamental.

However, I take the point made by the government and apologise to the government for the fact that these amendments have come forward at almost no notice. Mr Speaker, I apologise to you, too, if you have not got a running sheet on these amendments. I would say to the government that I would like to look at how things go through this bushfire season. I would be keen to come back perhaps at the end of the season with an amendment bill encompassing these amendments. I would discuss it with the minister in good time and in good faith before that event occurred.

I thank Dr Foskey for her expression of interest in and support for these amendments. Yes, they are sensible amendments and I think the bill generally is quite sensible. I have taken on board her recommendation that I speak to her and the minister in good time, and I will do so. I must say that we did initiate consultation with Mr Hargreaves's office; we did go to them to talk about some aspects of the bill. It is also true that we did not bring the back end of these amendments to him for discussion. Minister, I apologise that we did not bring all of my amendments to you, although we did talk to you about a number of aspects of the bill.

I will bring these proposals back as an amendment bill in due course and I will be speaking to the minister and Dr Foskey in good time about why I think these amendments are important and explain the rationale for them. I stress again in closing that these amendments will add teeth to an act which, while it is getting better as it grows, still needs a lot more authority in it and a lot more clarity in terms of the responsibilities and obligations of land managers. At this point, Mr Speaker, I will leave it at that and I will revisit this subject at another time.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

## **Domestic Animals (Cat Containment) Amendment Bill 2005**

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

That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (12.09): Mr Speaker, the opposition has been looking closely at the government's proposed cat containment legislation and has a number of concerns. The microchipping of domestic cats is not going to prevent all of the problems associated with domestic and straying cats, nor will it prevent people from disobeying cat curfews. The amount of administration, policing and law enforcement involved in managing the proposed legislation will make that all very cumbersome and pretty much impossible to regulate.

The opposition sees a number of areas as problematic. One is the added burden to cat owners and sellers of the cost of compulsory microchipping. Policing or enforcing of this legislation will be an extra cost to government and the government can barely enforce the current legislation in relation to cats and dogs anyway. For example, it is illegal for

owners to allow dogs off leash except in off-leash zones, but that is rarely enforced by the government, despite common sightings of owners allowing dogs off leash in prohibited areas. Why have a law if you cannot police it? There is risk of that if you do not have enough resources to back up the law.

Mr Speaker, it is also illegal for an owner to allow their dog to defecate in public without the owner picking it up, but I do not think anyone in the ACT has ever been charged for this offence. There are not enough rangers to police the whole thing anyway. Also, the cost of housing seized cats will be an extra burden to both the government and cat owners and the seven-day holding period for seized cats may be too short, even though it is the same as for dogs. Maybe in the future we need to look at extending the holding period for both cats and dogs to ensure there is a better chance of the animals being returned to their homes rather than being rehoused or destroyed.

Low income earners, who often rely on cats for company, also will be severely hampered by the increased costs of ownership under the proposed compulsory guidelines. The Stanhope government is not proposing cat registration, which would probably be a more effective way of managing the problem and ensuring an effective cat management database. The irony is that this government wants to issue on-the-spot fines for an owner whose cat may have accidentally strayed outside the front door, yet it refuses to implement an on-the-spot fine system for real criminals, such as graffiti vandals.

**Mr Hargreaves:** We will microchip your graffiti blokes!

**MR PRATT:** My God, don't reduce the amount of graffiti under any circumstance! This government wants to punish ordinary, everyday people but does not want to punish the types of people who go around committing deliberately disgraceful acts of vandalism. This is an unnecessary piece of legislation. I heard the minister talking about perhaps microchipping graffiti artists.

Where is the evidence that we do have a serious cat problem in the ACT that requires the sorts of substantial controls that are being proposed by the government? This is bureaucracy gone mad. It is another case of big brother watching you, and your cat. Stifling control measures are being put in place, yet the government fails to deploy resources to address problem areas such as the spreading of graffiti. The government is frightened to deploy sufficient inspectors to carry out sting operations so that the government might make examples of at least a number of offenders. The government does not have sufficient random vehicle inspections. Inspections dropped by about 10,000 to 12,000 in the last two years. The government does not have sufficient resources to quickly repair streetlights that have gone out.

**MR SPEAKER:** Mr Pratt, come back to the subject matter of the bill, please.

**MR PRATT:** The government is seeking to misspend the little it has in resources on controlling our cats when there is not substantial evidence that we have a major cat problem. Those resources could be better directed to addressing the issues I have listed.

What is it with cats, Mr Speaker? Why are they the easy target of the many targets in the municipality arena that need to be attended to? The answer, of course, is that the government is merely pandering to a green lobby, an easy project but one with

significant green dividends, I suppose. The government cannot tackle the difficult targets that I have listed, such as graffiti, unserviceable vehicles and infrastructure decay. It cannot put in place inspectors and check and balance measures to ensure that these standards are up to scratch, but it can waste our time and its time and resources by putting in place a bureaucratic cat control measuring system.

Mr Speaker, what will be the cost of this project from a departmental perspective? Will the ACT disappear if this legislation is not adopted? I doubt it. Will we have major difficulties in the ACT if we do not implement this cat control strategy? I would very much doubt it. At a time when the government is struggling to find sufficient resources to deliver essential services, it is proceeding to waste funds on an unnecessary program such as this. We believe that this bill is an unnecessary imposition on cat owners. We believe that the government has not made a case for either the opposition or the public in general that there is a major cat problem. We believe that the government has now hoisted upon its own shoulders additional costs that it cannot afford to meet to manage this cat program. Therefore, the opposition will not be supporting this bill today.

**DR FOSKEY** (Molonglo) (12.16): In contrast to Mr Pratt, the Greens welcome this bill, which introduces encouraging moves to protect native fauna in sensitive areas near newly developing suburbs. Given the constant threats to native fauna and flora in the little remaining woodland and grassland in the ACT, the Greens welcome any moves to lower the impacts of domestic cats on our threatened species, such as small birds and legless lizards.

This bill has come about through Environment ACT and ACTPLA working with the Conservation Council of the South-East Region and Canberra, Canberra Ornithologists Group, and Friends of Grasslands. Of course, the RSPCA also has provided input. We believe that these amendments provide a good compromise between the various needs of the community, future Forde and Bonner residents, their cats and native fauna in the Mulligans Flat nature reserve area.

We know that cats play an important role in the lives of many people in Canberra. The RSPCA estimates that around 68 per cent of households own at least one cat—or should I say: are owned by at least one cat? That is around 70,000 domestic cats in Canberra. Cat management, therefore, is no small issue for Canberra and it is imperative that the government continue to work on improving cat management in the ACT whilst balancing the needs of people, domestic cats and native wildlife. It is also important to note that, although the Greens acknowledge the damage that domestic cats cause to native wildlife, cats do make good companions and can be a factor in people's health, lowering stress and rates of heart attack.

I am sure that members are aware of the many studies, both local and national, that show that free-roaming domestic cats prey on a large range of native fauna and can significantly suppress populations of birds, animals and reptiles, especially impacting on small populations of threatened fauna. Cats generally have been shown to have the greatest impact on native fauna where urban areas adjoin nature reserves or remnant vegetation. It is alarming to note that cats can roam up to five kilometres at night. This is all on top of other impacts on nearby newly cleared areas, such as competition for food sources, human destruction of habitat with roads, walking and riding trails, litter and

undergrowth disturbance, and other domestic animals. Applying the precautionary principle to sensitive areas for all these reasons is imperative and welcomed.

This proposal allows people to own cats in these suburbs. It does not allow the cats to roam free into the surrounding bush but still lets them outside within the confinement of cat runs. This is an innovative solution that can only come about through productive negotiations. This proposed legislation brings in a regime of cat management that is, in effect, a national trial. No other government has come up with a cat run solution to the domestic cat problem and we hope that it will prove successful over the years and be taken on in other jurisdictions. It is especially important that Canberra get it right, given that we are still lucky enough to be the bush capital and we have purposely designed our city to have suburbs adjoining nature reserves, woodlands and grasslands with threatened species. Time will tell whether we got it right and we look forward to an evaluation in two to three years.

The new system of cat containment within runs being introduced into Forde and Bonner is also welcomed by those who care about the health and welfare of cats. Allowing cats to have sunshine and roll around in catnip, yet not roam, will help stop the spread of diseases such as FIV, which is the equivalent of AIDS for cats, as well as prevent cats being hit by cars and getting in fights with other cats. It will also lower the public health risk of cats toileting in children's play areas and suburban gardens.

The ACT already has quite a large problem with cats living in public places. For instance, around the Australian National University there is a huge cat population. I believe that around the rose gardens and other areas of the Old Parliament House there is quite a significant cat population. The RSPCA has told me that on Mount Ainslie, being very close to a suburban area where people have taken on cats but not taken on the responsibility of owning cats, there is a really huge population of cats. I am sure that is true for other parts of our nature park areas.

Having shared my praises on these amendments, I must also share my concerns with this bill, in that it deals with cats being introduced to these new areas now, but does not look far enough into future cat management issues. It does not deal with the fact that cats have a high breeding rate and that compulsory desexing measures in current legislation have no means of enforcement. One of the differences between the cat and dog desexing systems at present is that when you register your dog the government can then monitor whether the dog is desexed. However, as there is no system of cat registration, what we have now in the ACT is more of an honesty system for cat desexing. I am sure that no member here would support a voluntary cat desexing program for the ACT. However, that is what we have, in effect.

The introduction of compulsory microchipping of cats is the first step towards the ability to monitor cat desexing. As this only applies during the next three years to cats in Forde and Bonner and cats which are sold, the majority of cats will still only be required to have a collar and tag. Compulsory identification by collar and tag is not the same as compulsory registration. Cats can lose their collars and tags. Without registration, it is impossible to know how many cats there are in the ACT, nor how many kittens are born each year. We do know that around 1,500 kittens were delivered to the RSPCA in 2004. Although there is compulsory desexing of cats, unless you have a breeding permit, this cannot be monitored without some form of government registration.

The Greens support the introduction of compulsory registration of cats. This need not be a burden on the ACT government and need not be as bureaucratic as the dog registration system. Instead of having a system requiring annual renewal, there could be lifetime registration through the microchipping system. The RSPCA in the ACT already offers a cost price microchipping service to the Canberra community. It would be a simple measure to extend that service to ensure that all cats in the ACT are able to have desexing information on their microchip record. Rather than this becoming another cost borne by government, the RSPCA could continue to charge people for the once-off cost of the microchip, which would serve as a lifetime registration and also help the RSPCA maintain a stream of income, which it so badly needs.

A centralised database system would allow all users of the microchip databases to access this information, including domestic animal services, vets and the RSPCA. At present there are a number of private companies running the databases in different states and not everyone has access to all of these. For example, the RSPCA has access to information on animals that were microchipped in the ACT but to only some of the databases that operate in New South Wales. This is something that the government can work to improve.

Another issue that would be served by this type of registration is identification of the number of cats owned by individual households. At present there are no restrictions on the number of animals allowed on any one premise. Many of the impacts of cat ownership on neighbours come from multiple cat ownership in one premise. The Greens would like to see a restriction on the number of cats allowed per household, with exceptions being able to be made, such as breeding permits, for special circumstances.

I am aware of one household where a person acquiring a female cat was told that the cat must be desexed but never got round to desexing it and a year or two later complaints from neighbours led to somebody, probably somebody from the government, having to come in and capture a number of cats and destroy them. I was very sad to see that a couple of years later that person acquired another cat and the same problem ensued. It is true that we should not have to be a nanny state and be responsible for what everyone does in relation to animals, but some of these animals have consequences that have a community cost and, consequently, I do believe that the government does have that responsibility. I say that in response to the points raised by Mr Pratt.

One concern that the Greens have is to ensure that there are sufficient funds in the budget to run the education campaign necessary to go with the introduction of this bill. The first stage of education will need to explain the government objectives of declaring a cat curfew in Forde and Bonner and how to identify the threatened species in the area. The second stage will need to explain the legislative changes about identification to the public and/or cat owners and to future residents of the suburbs.

These measures are the first steps in forging the way with innovative solutions, bringing in better cat management techniques in the ACT. The Greens look forward to more work being done on issues such as cat registration and further cat containment and curfews, especially in areas adjacent to nature reserves. Again, time will tell whether cat containment is the answer. We look forward to the outcomes of the evaluation, which will be crucial to future cat management concepts for future developments, especially for

Harrison, Kenny and the Molonglo Valley. It could be that Throsby will be another story altogether. The Greens will be recommending that the government have a good, hard look at alternative options for future suburbs, as cat containment measures are a good compromise management technique but some areas are really far too sensitive even for that.

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

**Sitting suspended from 12.28 to 2.30 pm.**

## **Ministerial arrangements**

**MR QUINLAN:** I wish to advise the Assembly that the Chief Minister cannot be here this afternoon. It seems that the Senate committee prefers to hold its hearings in Sydney rather than in the national capital. I will take his questions, probably on notice.

## **Questions without notice Public service—redundancies**

**MR SMYTH:** My question is now to the Treasurer. Is it correct that ACT government departments and agencies have been required to prepare an excess officer monthly report since August 2005? What has been the outcome of these reports in identifying potential and actual excess officers and in identifying officers who have been redeployed or who have taken voluntary redundancy?

**MR QUINLAN:** I think so. I cannot give you specific numbers off the top of my head in relation to that, but I can say that, so far, we are reasonably satisfied with meeting our targets. It is hard work. We have to differentiate clearly between necessary replacement staff and positions that arise because we are rationalising some things like IT procurement. There was, theoretically, a figure of 260 places over two years. As far as I know, progress is reasonable. I can assure you that we will still be monitoring it.

**MR SMYTH:** I have a supplementary question. Treasurer, how many officers have you shed since August this year? How many officers are you still looking to shed? Will you table the excess officer reports for August, September and October by close of business today?

**MR QUINLAN:** I will take the first two parts of the question on notice. No, I won't be tabling the documents immediately. I will take that under advisement.

## **Policing—forensics**

**MR PRATT:** My question is directed to the minister for police. Under the current system, ACT police are required to have forensics analysed at AFP facilities, where precedence is given to national policing demands such as counter-terrorism investigations. It has been stated that ACT courts are delayed in the timely and efficient hearing of criminal cases due to ACT police being sidelined because of AFP national requirements and priorities.

Minister, given your claim that the ACT cannot afford its own stand-alone forensic facilities, have you ensured that the new ACT policing agreement will allow for adequate and timely access to forensics analysis? If not, why not?

**MR HARGREAVES:** I congratulate Mr Pratt on the depth of his research analysis skills in these very detailed things; he has looked up the gospel according to the *Canberra Times*, and nothing else. In fact, Mr Pratt has picked up a throwaway comment by one of our magistrates and thought, “You beauty. I’ve got myself a trout on this line. I’ll have a go at this one.” As usual, Mr Pratt blows things out of proportion, creates straw men, all to be torn down at his pleasure. All he really does is win himself the goose of the year award.

**Mr Mulcahy:** Mr Speaker, I rise on a point of order. I think that yesterday you ruled that term inappropriate and that you directed the minister to withdraw it. I suggest the same should apply today.

**MR SPEAKER:** I think that referring to members in that way is inappropriate. Withdraw it.

**MR HARGREAVES:** I withdraw it. Mr Pratt is remiss in not putting the facts up-front when he makes these untimely statements designed to do nothing but shake the public’s confidence in the police. These are the facts: one, we are governed by the self-government act, which explicitly states that we will use the AFP as our community police; two, the AFP act, the second piece of federal legislation, says that the AFP will provide the ACT with community policing—

**Mr Pratt:** Is he misleading us?

**Mr Stefaniak:** Wouldn’t have a clue. Probably.

**MR HARGREAVES:** If Mr Pratt suggests to his colleagues that I am misleading, I invite him to bring forward a motion. I suggest that he does not have the intestinal fortitude to put up or shut up. Mr Pratt says that we receive secondary consideration in the matter of access to the forensic services. Incidentally, these services come out of Weston. He does not provide any proof, any reference, to say where on earth he got that outlandish statement that we do not receive the preference we are due under the agreements. He insinuates that the national AFP’s demands will supersede our own. But he says nothing by way of reference to any authority he has to make those statements.

If Mr Pratt cannot quote an authoritative source in this house, he ought to be ashamed of himself. In the AFP we have the most talented, the most educated and the most experienced officers in forensics, ballistics, SRS and a range of services on which we can call in accordance with the policing arrangements and the policing agreements. I am satisfied that the Commissioner of the AFP and the Chief Police Officer of this town give due weight to the requirements of ACT community policing. I have every confidence that there is not a choice in that matter, as indicated by Mr Pratt.

Mr Pratt is very good at standing up in this place and saying, “We’re not getting this. We’re not getting that.” Next thing you know, he will want a little man in a white coat

sitting at the bottom of everybody's driveway. Well, I cannot see it happening. Not a rebel in sight. And he still wants this amount of service. Has he told us where he will get the money to pay for any of this? No. Has he told us whether we can get better expertise in the place? No. Has he told us anything at all about the quality of service that we receive from AFP national? No. We have a contract with the AFP because they are the best police force in the country.

**MR PRATT:** Mr Speaker, I have a supplementary question. Minister, thank you for your odd answer. If you are serious about intelligence-based policing and law enforcement, why are you not ensuring that the ACT has timely and efficient access to forensic facilities for crime analysis?

**MR HARGREAVES:** I said—in fact, just a minute ago, and I would like the record to show this and I underscore it—that the ACT has the best police and that the AFP is the best police force in the country. Mr Pratt asked me what I would do about that. Let me tell you: I will celebrate it. Unlike your good self, I will celebrate it.

The answer to what I will do to make sure that we have timely and appropriate access to forensic services is this: we already do have, thank you very much; it is signed up in a policing agreement.

### **Capital works**

**MR STEFANIAK:** Treasurer, is it the case that, during the past two years, a record number of capital works proposals have been put forward for consideration by government, but that many of those proposals have not had satisfactory documentation to support the project being proposed? What action has the government taken to ensure that capital works projects have properly prepared business cases?

**MR QUINLAN:** Do I hear the echoes of a cabinet paper in that question? All I will inform the house is that we have a cabinet process that brings forward proposals and we have a cabinet process that requires those who are going to make it through to final consideration to have thorough business cases. I think it is fair to say that, in the opinion of some, some of the business cases that have come forward were typically budget papers as opposed to voluminous, full-blown business cases. In reality, I think cabinet would want somewhere in between those two extremes. As I did hear the echo of a cabinet-in-confidence paper, I am sure that somewhere in this building in the past few days or weeks the words “Oh, that is how you do it!” have been stated.

**MR STEFANIAK:** I have a supplementary question. Treasurer, how many capital works projects have been approved without satisfactory supporting documentation, such as full risk assessments, and has the territory been exposed due to projects being approved without satisfactory documentation?

**MR QUINLAN:** I would confidently say to the second question no. Because “satisfactory” is a qualitative term, if they were included in the budget, it follows that they had a satisfactory case.

### **Belconnen to Civic busway**

**MR SESELJA:** Mr Speaker, my question is to the Minister for Planning. Minister, I refer to plans to establish a busway between Belconnen and the city. Could you tell the Assembly the difference in travel time that the government currently expects to be achieved between the existing Belconnen to city express bus service and the proposed busway service.

**MR CORBELL:** Approximately up to 15 minutes.

**MR SESELJA:** Mr Speaker, I ask a supplementary question. Minister, how much of an increase in patronage do you think will be needed to justify the \$150 million expenditure?

**MR CORBELL:** The patronage analysis, as Mr Seselja knows, is ongoing to allow the government to make an informed decision about whether or not to proceed with this project. Patronage gain is an important issue, as is improving timeliness of services and frequency of services between all town centres and the city centre and other places of employment. As I indicated to Mr Seselja in annual reports hearings last week, detailed analysis is currently under way in that regard.

### **Youth detention centre**

**MS PORTER:** My question is to the Minister for Children, Youth and Family Support. Minister, you recently announced the site for a new youth detention centre in Canberra. Could you update the Assembly on the chosen site?

**MS GALLAGHER:** I thank Ms Porter for the question. On Friday, 4 November I announced that a site adjacent to Mitchell has been selected as the government's preferred site for the new youth detention centre. This decision was taken following considerable community consultation and investigation by the Office for Children, Youth and Family Support.

As members will know, there were four possible locations—one in Symonston, one in Fyshwick, one in Mitchell and one in further Gungahlin, in Kenny. Against a range of criteria, the government examined all of those four possible locations and undertook fairly comprehensive community consultation over the pros and cons of those sites. It took a triple bottom line approach to assess each site against the criteria. In excess of 10 different criteria were used in the summary of assessments. The Mitchell site, part blocks 740 and 751 Gungahlin, near Mitchell, just off Wells Station Road, came out as by far the preferred site against those assessment criteria.

The Mitchell site is centrally located and has good access to public transport. While slightly separated from existing residential areas, it is still located in an urban environment that can easily offer access to health, education and community resources. This location will enable children and young people in detention to have a continuing involvement in the wider community and, whilst the facility will be screened from view, it will be large enough to accommodate both indoor and outdoor recreation and program areas.

The new centre will be able to be built to address the current and future needs of residents and in particular will respond to the recommendations made in the human rights audit undertaken by the ACT human rights commissioner in June. This new detention centre will be the first centre in Australia designed and built against the requirements of the Human Rights Act, with input from the human rights commissioner.

In the meantime, we have had the transportables arrive in Canberra. They are currently being erected at the current location of Quamby and, hopefully by the end of the year, will provide 13 extra accommodation options available to staff in their placement decisions of young people. That work is almost near completion and at the same time we are full speed ahead in progressing the building of the new detention facility.

We will continue to consult with the community in the coming months as the new centre is designed and built. I note the conditional support from the opposition for the location at Mitchell. I think Mr Stefaniak's comments were that they would prefer co-location with the prison but that at the end of the day Mitchell is acceptable. This is slightly at odds with the comments of Mr Seselja, who believed that Fyshwick, because it is away from people, would be the best location for the new centre. I am not entirely sure who is the opposition spokesperson on Quamby. The Smyth opposition says Mitchell is okay but it would prefer the prison site; the Mulcahy opposition would prefer the Fyshwick site. I am going to go with Mr Stefaniak on this one, who is slightly more moderate in his views and believes—

**Mrs Dunne:** What?

**MS GALLAGHER:** I know; it's scary. Stefaniak and moderate are not two words usually used together, but on this one Mr Stefaniak has got it right. The location with adult criminals is his preferred way ahead but he will accept that Mitchell is okay.

The Mitchell site will prove in years to come to be a fantastic location for a youth detention facility—one that can encourage rehabilitation of young people and a new life once they have left their period in detention.

**MS PORTER:** I have a supplementary question, Mr Speaker. Minister, since that announcement, what progress has been made on the next stage of the development of the new centre?

**Mr Stefaniak:** Very little.

**MS GALLAGHER:** There is an enormous amount of work going into progressing the work here. I can hear those opposite saying that nothing is being done. It is interesting to reflect on the reports that were done into the inadequacy of Quamby over a number of years, dating back to 1996, I think—certainly the late 1990s. Those opposite when in government did not one thing other than put a bit of razor wire on top of the perimeter fence; that is my understanding. After a few embarrassing escapes, a bit of razor wire went up to try to keep the young people in. In terms of dealing with the issues at the current Quamby location, those opposite spent years and years sitting on their hands and doing nothing.

This government has prioritised this project as one that needs to be undertaken. It needs to be undertaken quickly and the project is moving ahead. Brown Consulting has been appointed to do the preliminary assessment of the site. Further consultation is to be undertaken as part of this process and is expected to commence prior to Christmas. This is in addition to the six-week consultation period required by the land act.

I have to say, and I should have said this at the beginning of my first answer, one of the responses that the government was mindful of when considering the Mitchell site was the welcome given by the Gungahlin community to the Mitchell site, and, hopefully, to these young people when they move there in 2008. I have looked at the history of building detention centres in residential areas and it is not a common occurrence to have a community residents group say, "Yes, please, come and build your centre here." Mr Stefaniak and I were at a meeting last week when I had the opportunity to thank the community council for their unusual approach in welcoming a facility of this nature in their community.

The preliminary assessment is expected to be completed by April 2006. Reference groups have been formed with key stakeholders, who will play an important role in developing the design for the new youth detention centre. The reference groups will meet over the next two months to examine all the issues relating to detention and rehabilitation and, of course, the design of the centre. The project is currently on schedule to meet the timetable we have set, which is completion by 2008.

We are moving along with this project. We have a lot of work to do, but we are working with the community to make sure that the facility that is built lasts a lot longer than the current Quamby and that it is the best facility that we can build at this time to ensure that our young people who need to spend time there have all the support that they need to enable their successful reintegration into the community.

### **Griffin Centre—food distribution program**

**DR FOSKEY:** My question is to the minister for community services. It concerns the Griffin Centre. As the minister would be aware, Red Cross Roadhouse and others run an invaluable daily free food program from the Griffin Centre. During the design phase for the new centre, tenants and the centre's managing board argued that if there was only one meeting hall with street access and kitchen facilities, it would inevitably be used by the food program, making it impossible for community groups to run other community events in the early evening and eliminating much of the centre's income earning capacity. Now that the new centre is operating, that does appear to be the result. How will the department address this shortage of space, this loss of income and conflict of use?

**MR HARGREAVES:** I thank Dr Foskey for the question. I am aware that, in the context of the move from the old Griffin Centre to the new one, a number of problems emerged that required some attention. The matter that Dr Foskey raises about the distribution of food to the needy is, in fact, very seriously one of them. I understood that there were conversations being held between the management committee of the Griffin Centre and the department to try to find a resolution.

I thought that there had been a resolution to that. I am a bit concerned that there has not been. I cannot answer Dr Foskey's question specifically, but I will take it on notice and try to get back to her. The difficulty, of course, is that it may take me more than this afternoon to do that. With your leave, Mr Speaker, and Dr Foskey's, we will do that as soon as we can.

**DR FOSKEY:** I ask a supplementary question. Would not the now vacated Junction health centre on Marcus Clarke Street accommodate the food program or some of the other competing community-based activities? If that is not being considered, will the minister advise the Assembly of the territory's future plans for that site?

**MR HARGREAVES:** Firstly, I have not heard that suggestion. I would not think so. However, I advise Dr Foskey that I am not the Minister for Planning.

### **Disability ACT—Ms Alyssa Blazey**

**MRS BURKE:** Mr Speaker, my question, through you, is to the Minister for Disability, Housing and Community Services. For members' information, this question relates to the care of an individual and has been cleared by the family for discussion today.

Are you aware, minister, that serious allegations of misconduct and failure of proper process have been made regarding Disability ACT's handling of the specific care needs of Ms Alyssa Blazey? How will you ensure that territory legislation empowering Ms Blazey's guardian in respect of Alyssa's interests, including those of accommodation and housemates, will be respected? Will you ensure that Ms Blazey's rights in respect of her current accommodation and the assurances given in respect of that accommodation are honoured?

**MR HARGREAVES:** Thanks very much, Mr Speaker. I do not thank Mrs Burke for the question. It is an absolutely appalling piece of abuse of parliamentary privilege to bring any individual's name into this place. I have said on a number of occasions that I will not discuss individual cases in this place. I will not contribute to the pain of people, like Mrs Burke seems to be capable of doing. I have absolutely no intention of discussing a specific case in this place. I am quite happy to talk about systemic issues; I am quite happy to talk about process; and I am quite happy to talk about procedure. But I will not talk about individual cases.

The second part of Mrs Burke's question goes to whether I will ensure that this particular person's rights, et cetera, are preserved. The answer is of course.

**MRS BURKE:** My supplementary question is: minister, notwithstanding your answer, will you ensure that Ms Blazey is offered the full level of funding which is required for her to gain the appropriate care she needs and the safe and secure accommodation required for Hartley Lifecare to become the care service provider?

**MR SPEAKER:** You have been given that answer.

**MR HARGREAVES:** Firstly, can I say that in every single case that has been brought to me—and I get the occasional individual case brought to me as minister—I do nothing

but admire the way in which the officers of the department of disability have gone about their discussions and their negotiations. They have gone out of their way on more than one occasion to make sure people get the services that are optimal to their condition, making sure they have a high quality of life. I am absolutely confident of that.

I have before me, on occasion, details of these things. I have no intention at all of going down the path of discussing individual cases, as I have indicated before. But I have to say that Mrs Burke continues, by innuendo, to cast aspersions on the quality of concern and the way in which members of the department of disability meet with these people. They get personally affected by these cases. Mrs Burke does not care one jot about that. She uses other people's pain for her political gain. She is exposed in this place by the abominable behaviour that she is becoming renowned for. I will not engage with her on this issue, other than to say that I have the utmost confidence in the professionalism, the dedication and the heart and soul of Disability ACT.

### **Budget—outlook**

**MR MULCAHY:** My question is to the Treasurer. On 3 May this year, you said, “The ACT economy is strong, growth is continuing and the budget will return to surplus over the next three years”. In light of the serious deterioration in the budget outlook revealed in today's *Canberra Times*, do you stand by your undertaking that the budget will return to surplus?

**MR QUINLAN:** I certainly stand by the fact that the ACT economy is strong. There are some weaknesses in the revenue lines to the government, but ask anybody in business, the construction industry, et cetera, how Canberra is going and they will all tell you that it is going very strongly. The economy is strong and it is growing. The budget will return to surplus and the government has a policy of ensuring that we have an overall surplus over the economic cycle.

**MR MULCAHY:** My supplementary question to the Treasurer is: do you expect to significantly raise taxes, charges, rates and fees from the people of Canberra in an attempt to achieve a budget surplus?

**MR QUINLAN:** To obviate a number of questions that might flow in this place, I do not intend to predict the budget this many months out on a sitting week by sitting week basis and I do not intend to answer what I think are quite puerile questions—“Will you never ever ...”, “Will you commit ...”, “Do you fully support ...”, all of that childish nonsense. I do not intend to become involved in that.

### **ACTION—bike racks**

**MR GENTLEMAN:** My question is to the Minister for Planning. Minister, earlier today I had the pleasure of attending a demonstration of the new ACTION bike racks. Could you advise the Assembly about the status of the government's new bike rack program.

**Mr Smyth:** Do they all work? How many don't work?

**MR CORBELL:** They all work. I am very pleased to advise members that the program was formally started today. I thank Mr Gentleman for his interest in coming along to the

launch. He joined a very large and enthusiastic crowd of cyclists in Canberra—people who, unlike those opposite, have an interest in sustainable transport and who all warmly welcomed the bike rack trial.

The government has honoured its commitment to put bike racks onto buses in Canberra. We have now spent the appropriated amount of approximately \$345,000 to install bike racks on buses. Those bike racks have now been installed on 55 buses in the ACTION fleet and this will grow to 65 buses in total by the end of the year. The bike rack trial allows Canberrans to cycle and then use public transport for a journey in Canberra. That is great news for expanding the range of choice available to Canberrans in getting around their city. Not all of us are particularly keen on doing a 20 or 30 kilometre round trip by bike every day. But if you can take a shorter journey and then pop your bike onto the bus for the remainder of that journey, that certainly gives you greater flexibility. Equally, if it is a bit too hot at the end of the day, especially in summer, or if it is a miserable winter day, you certainly have the option now of putting your bike onto the bus.

I would like to thank all of those who have been engaged in putting this program together. I especially thank the staff in the engineering and safety areas of ACTION and the delegates of members of the Transport Workers Union who have worked through the issues and worked hard to see this trial become operational. Of course, I would like to thank those who have advocated consistently for this trial and who have assisted the government in getting to this point, in particular the Conservation Council of the South-East Region and Canberra and Pedal Power.

**Mrs Dunne:** It has taken you four years.

**MR CORBELL:** Mrs Dunne cannot ever help herself. There is always a negative. It does not matter what, it does not matter how, it does not matter when, there is always a negative. That says a lot about Mrs Dunne but it does not for one moment, from my perspective, detract from the real benefits that will derive from having bike racks on buses. We are only the second city in the country to put in place a comprehensive program such as this and I look forward to many Canberrans taking advantage of the program in the months and years ahead.

### **Budget—public service savings**

**MRS DUNNE:** My question is to the Treasurer. Treasurer, you have proposed that government agencies should identify saving options of between three and five per cent in the run-up to the 2006-07 budget.

**Mr Quinlan:** How do you know that?

**MRS DUNNE:** I can read the paper, and you have said it on a number of occasions. Is it correct that savings of this magnitude would result in savings of somewhere between \$52 million and \$87 million? Further, if that is the correct amount of money, will you only be able to endorse new expenditure proposals if you make those savings?

**MR QUINLAN:** There is a lot more to the input and output to the budget than simply those lines. There is a whole raft of revenue lines and not all of them have slowed. Not necessarily so, I suppose, is the answer.

**MRS DUNNE:** I ask a supplementary question. Treasurer, will new initiatives in the next budget be limited by your ability to raise taxes or undertake borrowings?

**MR QUINLAN:** I think I have already answered that question. I do not intend to be ruling in and ruling out matters for the budget that is due next May.

### **Policing—Woden**

**MS MacDONALD:** My question is to the Minister for Police and Emergency Services. The new \$8.2 million Woden police station was officially opened on 2 November. Minister, could you please inform the Assembly about the features of the new station and the police and community response to the new facility?

**MR HARGREAVES:** The new police station in Woden, worth \$8.2 million, is a state-of-the-art facility that will make a considerable contribution to community safety in Canberra. The government has long recognised that, to do their job well, our police need the best possible facilities. Anyone familiar with the old police station would agree that it was time to rebuild. I thank the officers and staff at Woden for their patience during the transition. It was not easy and they put up with a lot.

The new station has been designed in close consultation with police to suit officers and their operational requirements. The 2,260 square metres station's customised design features begin with the front office, where police deal directly with public inquiries. A second glassed off area behind the counter serves as a secure environment where telephone and data inquiries are processed. Of interest concerning the front counter area is that the glass is not one way. In other police stations it is one way. It is two-way, so that the people attending that police station will be able to see for themselves whether the officers that would normally attend to them are busy or not busy. I think that has been a giant step forward.

The ground floor is designed to satisfy the demands of a busy metropolitan station. Offenders and suspects can be brought by vehicle directly into the secure compound area at the rear and under cover to the processing area. The new station boasts the latest in secure watch-house facilities for prisoners. People brought into custody will be secured in cells with a large, inbuilt front glass section, where they will be under visual surveillance by officers as well as under scrutiny by CCTV cameras in each cell.

Directly opposite the cells is an area dedicated to processing the information of offenders or suspects that are brought into custody. From the processing area, arresting officers will be able to process all the information relevant to those in detention and visually monitor their behaviour. Visual display terminals in this area are hooked into the station's CCTV network, providing a constant scan of each cell and allowing one officer to monitor all those in detention.

The station's upper floor houses the administrative area, muster areas, working areas and recreational areas. The territory investigation group detectives have a specific area, including a large and separate major incident room. There are several briefing rooms, one equipped with high-definition audiovisual equipment, and a muster room for the officers. The long hours and physical demands of policing are such that the station is

provided with a small but well-equipped gymnasium, with separate change and shower facilities.

Police and community reaction to the new facility has been extremely positive. Chief Police Officer Audrey Fagan said at the official opening:

The ACT Government has provided ACT Policing with these high-quality facilities and importantly, at the outset, put in place a wide consultative process which involved police input during the architectural phase to ensure the building's features will fully satisfy our operational needs.

Detective Superintendent Mick Kilfoyle, who is in charge of ACT Policing's south district and is the most senior officer at the Woden station, said that the fresh and well-designed new premises would provide a professional and effective workplace for ACT Policing. He said:

I'm delighted with how well the architects have taken the input and ideas from all the various parties involved and developed a working environment which I'm sure will be the envy of other jurisdictions around the country.

As Woden police settle into their new station, we are investigating the possibilities for Belconnen. We hope, once our feasibility study is complete, to be able to move forward with a new Belconnen police station.

There will be an open day at the new station this Saturday, the 19th, between 10.00 am and 3.00 pm. I am advised by the police that they are planning to put on quite a show. Every facet of ACT Policing will be on display. I am informed that our specialist response and security group will be displaying their skills by jumping off the building, that there will be tours of the watch-house and the cells, that traffic police will be showing off some of their vehicles, and that there will be a forensics display. There will also be fairy floss for the kids.

Mr Speaker, it will be a great day and I invite members who have not had the opportunity to check out the new facility to drop in and watch the SRS guys jump off the building. I will not be going with them.

**Mr Quinlan:** Mr Speaker, I require that further questions be placed on the notice paper.

## **Papers**

**Mr Speaker** presented the following papers:

Study trip—Report by Mr Pratt MLA—Sydney, 28 and 29 April 2005.  
Quarterly travel report—Non-Executive MLAs—1 July to 30 September 2005.

**Mr Quinlan** presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 19 (3)—Statement of Corporate Intent—Rhodium Asset Solutions, dated June 2005.

Gaming Machine Act, pursuant to section 60F—Community contributions made by gaming machine licensees—Eighth report by the ACT Gambling and Racing Commission—1 July 2004 to 30 June 2005, dated 17 October 2005.

## **SAAP multilateral agreement**

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

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.14): For the information of members, I present

Supported Accommodation Assistance Program—Multilateral Agreement between the Commonwealth, States and Territories

I seek leave to make a brief statement.

Leave granted.

**MR HARGREAVES:** It is my pleasure to table supported accommodation assistance program V multilateral agreement between the Australian and state and territory governments. The supported accommodation assistance program is the national response to one of Australia's most challenging social problems—homelessness. Introduced in 1985, the program is governed by commonwealth legislation, the Supported Accommodation Assistance Act 1994. The preamble to this SAAP act provides a clear vision of the intent of the program. It states:

The Commonwealth Government should work cooperatively with State and Territory governments to ensure that people who are homeless are given opportunities to redress their circumstances and that their universal human rights are not prejudiced by the manner in which services are provided to them.

After 20 years of SAAP, this vision still rings true. It remains a challenge for governments to ensure that the human rights of people experiencing homelessness are upheld and that the service responses to homelessness are effective and coordinated.

The signing of the SAAP V agreement, which will run from 2005 to 2010, is an indication of our collective commitment to SAAP. The ACT government is committed to providing \$29.133 million to SAAP over the next five years, with the Australian government committing a similar amount.

The agreement, as with the previous four agreements, includes strategic priorities that aim to consolidate and build on the strengths of SAAP over the past 20 years. These priorities are: to increase involvement in early intervention and prevention strategies; to provide better assistance to people with a number of support needs; and to provide an ongoing assistance to ensure stability for clients post-crisis. I am pleased to note that the ACT already undertakes a great deal of service delivery that is the focus of these strategic priorities. Indeed, the ACT's commitment to achieving these objectives allowed us to be at the forefront of negotiating the national strategic priorities for SAAP V.

*Breaking the cycle: the ACT homelessness strategy* outlines the ACT's approach to reducing homelessness. It calls for a whole of community response to homelessness and, as such, has been developed, and is being implemented, in partnership with the community. The broad objectives of the strategy are aligned with the SAAP V strategic directions. The ACT is indeed at the forefront of strategic and innovative thinking on homelessness.

Mr Speaker, you will be aware that during poverty week, the government announced that a poverty-proofing trial, using the Irish model, would form part of the mid-point evaluation of the homelessness strategy. I have embraced the opportunity to be the minister to conduct the ACT's first poverty-proofing trial for two reasons. The first is the nexus between homelessness and poverty. People with an income and assets rarely become homeless. The second is that, by running a poverty-proofing check on the homelessness strategy, we aim to ensure that our future work in developing and evaluating policies and programs does not inadvertently act to increase the causes and the levels of poverty in our community.

The homelessness strategy is one of the ACT's key strategies for social change. It sits under the policy framework of the Canberra plan and the social plan. The social plan provides the ACT community with its long-term target of reducing primary homelessness to as close to zero as possible by 2013. The homelessness strategy provides a blueprint through which the community will work together to reduce the level of homelessness, as well as its causes and effects.

In developing and implementing the homelessness strategy, we have set out a program of social change. We have made a number of significant achievements through the strategy. We have moved from the situation prior to the strategy where we really had a number of stand-alone services for homeless people, such as refuges, as well as mainstream services, such as health services and housing services, which homeless people found difficulty accessing.

Today we have a situation where we are building an integrated service system that works to provide seamless services for homeless people and those at risk of homelessness. The ACT has taken significant steps towards achieving service coordination, responding to client complexity and implementing innovative new service responses with a focus on transitional support. A progress report against the homelessness strategy will be tabled in the Legislative Assembly this month and we will detail our achievements so far.

In tabling the SAAP V multilateral agreement, I commend the work of the ACT community in continuing the challenge and address the causes of homelessness, as is evident in a strong support of the ACT homelessness strategy. This support places the ACT in the best possible position to meet and exceed the objectives of the SAAP V multilateral agreement. I am confident that the ACT, in its participation in SAAP V, will continue to be at the forefront of national and international responses to homelessness.

Finally, I would like to commend the work of the officers of the Department of Disability, Housing and Community Services whose negotiation skills actually enabled us to sign off on this agreement. I can tell members that the commonwealth officers advising the federal minister had a quite different view on life from those people living

in the ACT. It was due to the dedication, the expertise and the negotiation skills of officers within the Department of Disability, Housing and Community Services that the commonwealth was able to see the light and recognise some of the innovative things we have been doing. I commend the work of those officers to the Assembly.

## Paper

**Mr Hargreaves** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—ACT  
Emergency Services Authority—Revised Annual Report 2004-2005.

## Supplementary answer to question without notice Budget—public service savings

**MR QUINLAN:** During question time I took a question without notice in relation to staff numbers and redundancies within the ACT Public Service. I can report that the government is receiving monthly reports on restructuring and redundancies. As at 3 September, across the ACT Public Service, there were an estimated 78 potentially excess officers and 19 actual excess officers. During September 2005, three officers were redeployed. Seventeen officers accepted voluntary redundancy, compared with 13 in August and 16 in July. The October figures are still being collated.

## Tidbinbilla Nature Reserve Discussion of matter of public importance

**MR SPEAKER:** I have received letters from Mrs Burke, Dr Foskey, Ms MacDonald, Ms Porter and Mr Pratt 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 MacDonald be submitted to the Assembly, namely:

The importance of the Tidbinbilla Nature Reserve and its place as an integral part of the ACT.

**MS MacDONALD** (Brindabella) (3.22): We all know and value the ACT as a beautiful and diverse place. Along with the four other Brindabella members, I am fortunate to have one of Canberra's most beautiful and important natural resources in my electorate. Tidbinbilla Nature Reserve and the surrounding Tidbinbilla precinct has long been an integral part of the ACT and the Canberra community. Often described as the "jewel in the crown" of the ACT's park system, Tidbinbilla Nature Reserve was the first area to be designated as a nature conservation reserve in the ACT. Because of this, we are now able to enjoy our wonderful reserve and share it with all of Australia and the world.

The Tidbinbilla region has a long and significant history. It is a place that is culturally important to the Aboriginal community, with the name "Tidbinbilla" deriving from the Aboriginal word "Jedbinbilla", meaning a place where boys become men. It is possible that Aboriginal ancestors have occupied the region since the beginning of time and the region contains many places rich in oral and historic tradition, as well as many archaeological sites that demonstrate the comprehensive indigenous occupation of the area.

Historic records and oral histories, as well as archaeological evidence, provide insight into Aboriginal lifestyles of the more recent past. Early records in particular indicate the richness of Aboriginal culture in the region and highlight the importance of ceremonial and social gatherings. Accounts describe large numbers of people coming together to share abundant food resources, exchange goods and participate in ceremonies.

The Tidbinbilla region also holds significance for the early European settlers, with settlement dating back over 160 years. Initial settlement can be traced to 1839, when George Webb selected land in the area following a dispute with a neighbour near Lanyon. Originally he occupied 6,500 hectares and bred cattle and horses, but in 1876 he left for Uriarra. A number of smaller landholders arrived during the 1880s and for the next 70 years or so the area was used for a variety of farming activities.

One interesting fact is that there was a distillery at Tidbinbilla that produced eucalyptus oil from peppermint gum leaves. This venture was established by five Czechoslovakian refugees who escaped from Nazi occupation in 1940. For a number of years they cut branches during the week and distilled the leaves on Saturdays, with the product being transported to Melbourne in large drums. Two of the original left soon after and another two returned to Czechoslovakia after World War II. The fifth, Jan Jandura, remained in Australia and was notable for being the first naturalised Australian in February 1949.

The Aboriginal people and early European settlers recognised the true worth and importance of the Tidbinbilla precinct. This was formally recognised in 1936, when approximately 810 hectares was set aside as a public reserve. In 1962 the government acquired additional land to establish a national park and fauna reserves and today the total area has grown to 5,450 hectares.

The reserve now consists of a large valley floor, the Tidbinbilla mountain range and the Gibraltar range. It borders Namadgi National Park, which links Kosciuszko National Park in New South Wales—my apologies, Mr Stefaniak, for not pronouncing Kosciuszko correctly—on to the chain of alpine parks that extend into Victoria. Tidbinbilla plays an important role in the unbroken corridor of natural bush that stretches from the ACT to New South Wales through to Victoria. This corridor of bush habitat is home to the diverse array of wildlife and flora for which the area is now nationally recognised.

Tidbinbilla is utilised by thousands of locals and visitors each year, but I believe its true worth was not fully appreciated until the 2003 bushfires swept through the area. The 2003 wildfire storm decimated the flora and fauna population in the region, killing 95 per cent of the captive and free-ranging animals, including many associated with the national threatened species recovery programs. Much of the reserve infrastructure was also destroyed.

However, nature always finds a way to regenerate and, with the assistance of the ACT government bushfire recovery program, the plants and animals affected by the fire have shown remarkable resilience and have largely returned to the area. The grasses and plants are growing back and the trees, in particular the eucalypts, are regenerating. Importantly, many of the animals have moved back into these regenerated areas.

Kangaroos and wombats are present in significant numbers in both Namadgi and Tidbinbilla and many of the bird species have returned to their original habitats.

We have all followed the progress of Lucky the Koala, the only resident koala in the area to survive the bushfires. After a long and restful recovery at the National Zoo and Aquarium, Lucky was returned to Tidbinbilla Nature Reserve where she will live out the remainder of her life. Earlier this year, eight koalas from Kangaroo Island in South Australia were released to keep Lucky company in the re-established wet forest enclosure. While these koalas were sterilised, fertile koalas from local gene stock will gradually be introduced into the enclosure at a later date, helping to repopulate the Tidbinbilla koala population.

Importantly, the repopulation of our iconic corroboree frog is also progressing well. Up to 80 per cent of the habitat of the northern corroboree frog was burnt out during the January 2003 fires. After the fires the ACT government embarked on a captive husbandry program at Tidbinbilla Nature Reserve to raise frogs for release back into the wild as a way of bolstering declining populations. The program has been extremely successful and there are now about 700 healthy frogs living in captivity at Tidbinbilla. The first breeding-age frogs will be ready for release in less than two years.

The area is gradually returning to its former glory and visitor numbers to the reserve have continued to increase. Much of this can be attributed to the extensive work the ACT government has done in ensuring the future success and preservation of the area. Following the bushfires, the ACT government established the non-urban steering committee, chaired by Sandy Hollway, to investigate opportunities for non-urban ACT.

In December 2003 the ACT government agreed to the final report of the non-urban study, which recommended that the Tidbinbilla precinct be developed as an educational and scientific hub and that the reserve retain its function as a captive wildlife reserve and assume an enhanced educational and research focus. The ACT government's aim is to reinstate and enhance the previous functions of Tidbinbilla Nature Reserve and provide a valuable community, scientific and cultural resource for local residents and visitors alike.

A lot of work towards fulfilling that aim has already commenced. In August 2004 the ACT government released the publication *Shaping our territory: business case and master plan: Tidbinbilla*. The plan represented a comprehensive assessment of the operations of the Tidbinbilla Nature Reserve and identified future directions for the area, including the construction of a nature discovery centre within the wetlands precinct.

In April 2005 the ACT government agreed to implement a concept design for the nature discovery centre, the NDC. Sanmor Consulting Group, nationally recognised planners with an extensive background in managing zoos and public spaces, developed the concept. The concept consists of a number of linked animal and habitat experiences, including redeveloped wetlands, Australian bushland, riparian wetlands and new brush-tailed rock wallaby exhibits.

In October 2005, following a national tender, the design contract for the Tidbinbilla Nature Reserve nature discovery centre project was awarded to Taylor Cullity Lethlean. The centre will further assist with the revitalisation of Tidbinbilla reserve, enhance the Tidbinbilla wetlands and give visitors access to an unparalleled

nature experience. It will also play an important role in regional and national recovery programs for threatened species, with breeding and captive husbandry programs for the brush-tailed rock wallaby and the northern corroboree frog. The full project is expected to be completed in 2008 at a cost of about \$5 million and will take Tidbinbilla Nature Reserve one step nearer to offering world-class “close encounters” with native flora and fauna.

The ACT government has also committed \$1.8 million for works to be delivered over the next 18 months. They will include new walking tracks, veterinary facilities, visitor signs and a water reticulation system. Since the bushfires, \$4.5 million has been spent on other infrastructure reinstatement.

The ACT government has proven its commitment to this beautiful area and has worked hard to promote its attractions to Canberrans and the nation. The Tidbinbilla precinct is one of Canberra’s most beautiful and renowned regions and offers the community a huge variety of activities, attractions and exhibitions. There always seems to be something new and exciting on offer, particularly during the school holidays. Perhaps the largest and most exciting event to be held over the next few weeks is the Brindabella Challenge.

Recognising that Canberra is Australia’s most bike friendly city and that the ACT is a fantastic place to ride, Australian Capital Tourism has partnered with a variety of cycling organisations to launch the Brindabella Challenge. The event will be held over the weekend of 2 to 4 December and will involve over 15 events and many major cycling races covering all cycling disciplines, including road biking, mountain biking and BMX. There will also be entertainment and activities for spectators. There is over \$30,000 worth of prize money to be won.

But the challenge is not only about racing. It is also about riding for fun. There is something for everyone, with a huge range of races, rides and activities for all ages and all levels of fitness. Excitingly, there will be a ride that tours Tidbinbilla, including lunch at the deep space tracking station, and the Brindabella MTB race will take place through the beautiful Brindabella Mountains. I am sure that members will all agree that riders will have the opportunity to travel through Canberra’s most breathtaking scenery. I encourage everyone to get involved in the challenge, be it as a rider or a spectator.

Visitors to Canberra will be able to experience all the wonderful things Tidbinbilla has to offer. We are lucky that the Tidbinbilla precinct is in our own backyard and that we can visit whenever we have the opportunity. I urge everyone to take advantage of this wonderful natural resource and help look after it so that we can ensure its preservation well into the future.

**MRS DUNNE** (Ginninderra) (3.34): Apart from the lengthy elucidation of the merits of the pre-fire Tidbinbilla, I am a little perplexed as to what Ms MacDonald hoped to achieve today. There was much that Ms MacDonald said about the importance of Tidbinbilla. Having, in a previous life, worked for the minister for the environment who set up many of the initiatives at Tidbinbilla, I am aware of much that went on there and much that was good of the old homesteads of Nil Desperandum and Rock Valley and of the original Farrer planting plots in the far end of the Tidbinbilla Valley.

Much work had been done and considerable public expenditure had been sunk into Tidbinbilla and it is a real shame that all of that work was undone in January 2003, when the wildfire raged through the valley. In estimates the other day we heard that Rock Valley station is unrestorable. Nil Desperandum seems to be restorable, but much of the historic value of those places will be lost. The fire resulted in a huge loss of wildlife and a huge loss of infrastructure and what we have been seeing since then is a rather expensive catch-up on where we were beforehand. Tidbinbilla plays an important part in the lives of the people of Canberra. It is a shame that, on this government's watch, it was destroyed.

**MR GENTLEMAN** (Brindabella) (3.36): Significant progress has been made in reinstating and enhancing infrastructure in the Tidbinbilla Nature Reserve destroyed by the January 2003 bushfires. Not only is it being rebuilt; it will be better than before. This new Tidbinbilla will have a focus on conservation, recreation and education and will provide visitors with an enhanced natural experience. The creation of enriching and meaningful experiences is the key to success and this requires a commitment to quality in all aspects of the design, construction and implementation of all that is done within the reserve. Tidbinbilla will become the gateway or portal to the protected areas of the ACT where visitors can gain a deep understanding and appreciation of our natural world that will encourage them to explore into our parks and reserves.

Karin MacDonald has spoken about the process our government has used to ensure that what is rebuilt at Tidbinbilla will be successful and appreciated by the Canberra community. Already, visitor numbers at Tidbinbilla Nature Reserve have been increasing since the January 2003 bushfires, with 74,000 visitors in 2003-04 growing to 97,000 visitors in 2004-05. This is a clear indication of the community's engagement with the reserve and the importance that this area holds.

To date, the works that have been undertaken include the reopening of walking tracks throughout the reserve, such as Church Rock, Hanging Rock and Fishing Gap, where patronage is occurring. On existing walking tracks, new bridges, steps and interpretive signage have been installed. The koala/wet forest wildlife enclosure and walking tracks have been rebuilt and reopened. This area houses Lucky, our mascot from the fires and a very popular attraction. Joining Lucky is an injured New South Wales koala and six animals from Kangaroo Island. The Kangaroo Island koalas were desexed before arrival, as our aim is to develop a breeding colony using local species.

The koala area has a state-of-the-art perimeter fence constructed to prevent predators entering the enclosure while also providing a natural habitat where the animals do not require supplementary feeding. The walking trails provide an intimate and engaging environment through the enclosure that allows for the sighting of animals. The popular Ribbon Gum amphitheatre within the wetlands enclosure has been rebuilt and the Canberra Youth Theatre held a school holiday production at this venue. Ms Karin MacDonald and I attended that. This amphitheatre will be incorporated into the nature discovery zone for which design is under way.

Operational facilities to support the animal breeding programs have been reinstated. The perimeter and enclosure fencing throughout the animal enclosures has been repaired and replaced in anticipation of animals being released within a secure predator-free

environment. The fire-damaged roads throughout the reserve have been resealed and made safe. Considerable tree surgery and removal has been undertaken to make the area safe. This work has taken 18 months to undertake, with teams operating at various locations across the reserve.

Significant work has been undertaken and completed to enhance the recreational areas, with over 50 new barbecue tables, eight new electric barbecues, repairs to the toilet blocks and removal of some of the wood-burning barbecues. This enhancement work has made the picnic areas of Tidbinbilla welcoming and rewarding places that provide a variety of areas where large and small groups can enjoy themselves without disturbing others who prefer a quieter experience. The electric barbecues have allowed the removal of most of the wood-fired barbecues that are a risk to the reserve and therefore to the users.

The very popular wetlands boardwalk and viewing platform have been rebuilt, allowing visitors to gain an up-close experience of the wetlands and the wildlife that lives there. This boardwalk will become a central feature of the new nature discovery zone and will be an entry point to the wetlands exhibit where visitors will gain an understanding, through hands-on experiences, of wetland ecology.

The fire trails within the reserve have been repaired to enhance fire protection and provide walking access for visitors. Stabilisation work on the historic Rock Valley and Nil Desperandum Pise homesteads has been undertaken. These buildings are some of the best examples of Pise construction within the ACT and are a tangible link to our pioneer past. Rock Valley homestead will be structurally secured and have a permanent roof provided that will allow visitors to access the structure. Nil Desperandum will be rebuilt to allow overnight stays.

The endangered species recovery program for the northern corroboree frog has been established and breeding facilities constructed, and a successful program is under way. Currently, over 900 juvenile and sub-adult frogs are housed at Tidbinbilla, with the aim of releasing mature frogs back into the bogs that were devastated by the 2003 fires. Complementing the corroboree frog endangered species program is the brush-tailed rock wallaby program for which breeding facilities have also been established. As an example of the success of this program, two males will be released from Tidbinbilla into a wild population at the end of this month, and that population is without a male.

A proposal to change the management plan to allow camping within the reserve has been sent out for comment from the community. Allowing camping at Tidbinbilla would open new markets and opportunities, as visitors could stay overnight and experience the reserve at night. This could be linked with innovative interpretive tours to experience the nocturnal wildlife living at Tidbinbilla.

The major features of this new Tidbinbilla are the nature discovery centre and the adventure playground. The nature discovery playground is a major facility, costing close to \$1 million, which will be completed in time for Australia Day in 2006. Children have been involved in the design of this structure so that what is built is what kids want. Being within Tidbinbilla, the playground will have a nature theme and children can explore and enjoy what it is like to fly like a glider, climb like a possum and bounce like a wallaby. The playground is within the picnic area so parents and guardians can enjoy themselves

with their children while having a barbecue or picnic. The playground has original artwork by Matthew Harding incorporated in it, to demonstrate the linkage between the natural world and art.

The other feature is the nature discovery zone, where considerable planning and effort have been invested to create an unforgettable natural experience. This attraction will initially include four unique exhibits, a linking pathway and a program of face-to-face interactions. The four exhibits or experiences will be:

- the Australian bushland, where animals such as koalas, red-necked wallabies and echidnas will demonstrate their normal behaviours in close proximity to the visitors. This exhibit, like all the exhibits, will focus on the ecosystem and how animals function as part of that ecosystem.
- the rocky outcrops exhibit, which will highlight the granite boulders adjacent to the wetlands and their associated environment. The animals featured in this exhibit will be the endangered brush-tailed rock wallaby and a variety of reptiles.
- a wetlands exhibit will be based on the ponds so that visitors can see the animals that live on and around wetlands. Children will be able to dip in the water and see how small animals make ponds their homes, and there will also be a range of face-to-face programs run from this area.
- a riparian exhibit, where an artificial stream will be created so that visitors can take their shoes and socks off and truly explore a riparian system.

These experiences will be within the larger predator-proof fence and a wide variety of species will be in-filled, so the visitor will see the other animals as they walk through the discovery zone. The linking pathway will be an all-ability path, so all members of our community can share this experience.

As Tidbinbilla grows, the programs that add value to the facility will also grow. Creating the infrastructure builds a venue where activity will be held, and this activity will be encouraged through face-to-face experiences delivered by staff and a pool of volunteers. Tidbinbilla is being rebuilt to discover unforgettable natural experiences that visitors will want to return to time and time again.

**DR FOSKEY** (Molonglo) (3.45): It is certainly a good day for the promotion of Tidbinbilla. There are a number of pamphlets about things mentioned in some of the speeches that we have heard today. There is no doubt that Tidbinbilla is part of the jewel in the crown of the wonderful natural environment that the ACT is fortunate to have within its boundaries. It is not something that I believe our founding fathers thought of when they set us up. Nonetheless, I am going to leave most of the promotional marketing speeches to the previous speakers.

I am going to talk about the future of Tidbinbilla. I am sorry that we did not hear members engaging with some of the more difficult issues that perhaps lie on the horizon for Tidbinbilla. I certainly want to acknowledge the incredible work, the really good work, that goes into managing Tidbinbilla. The haste with which fire recovery programs were set in place is admirable. I went out to Tidbinbilla this year on a day when the

public were being encouraged out there, and there is no doubt that the place is still in a pretty devastated state, but that there is a huge amount of commitment to restoring it.

A draft variation to Tidbinbilla Nature Reserve's management plan has been around. I believe that the time for commenting on it has already passed—I think comments were due by 1 October—and I have no doubt that the government is currently considering the way forward in response to that variation.

One of the issues raised, and perhaps the most contentious issue in terms of the environment and conservation community, is the introduction of camping in selected zones of Tidbinbilla. I am still open minded about whether or not this is a good idea, and until we see the details of where those camping sites are it is a good idea to remain cautiously open minded.

The community group Friends of Tidbinbilla, who I am sure have been of inestimable support to the government at various times in providing volunteers and other support for the reserve, have raised some important points in their submission on the draft variation, including in regard to camping. Their concerns are about safety of campers. As there is only one exit from the reserve via road, a safety mechanism would need to be set up in case a fire occurred. As the reserve is closed to the public on days of high fire risk, consideration has to be taken about how this can be implemented for people already camping there or on their way to camp there. As the reserve is a public good, fees for camping should only be run on a cost recovery basis and commercial operations banned. Since visitors will be on site after hours, there may be requirements for a ranger to be on site overnight.

I would say it would be a necessity for a ranger to be on site overnight, and this, of course, is an additional expense. My thoughts about camping in Tidbinbilla include the fact that certain areas, such as the early part of Tidbinbilla, would be more appropriate than others as a public camping site. Visitors come into—and many of them never get much further than that—that early bit anyway. If there are to be other camping sites, they would need to be reached by walking, just to make sure there was minimum impact from visitors. But they are only my preliminary thoughts; they are not set in cement at all.

The National Parks Association of the ACT, an independent, non-profit conservation organisation, has also raised some points about the commercial use of nature reserves within the ACT. It states that, in order to retain the essential character of Namadgi National Park and other nature reserves, commercial development should be restricted such that commercial huts, roofed or semi-permanent accommodation and networks of camping/walking facilities should not be established in Namadgi, Canberra Nature Park and other nature reserves in the ACT. My thought is that Tidbinbilla really operates as a sort of mechanism to protect Namadgi to some extent, especially since the fires. Tidbinbilla is much more compromised in terms of its natural state. Encouraging visitors to Tidbinbilla can take the pressure off Namadgi, and I can see their management being balanced in that way.

The association believes there should be only basic camping accommodation run by Environment ACT, with pit or composting toilets such as are provided at Orroral or Mount Clear; that retail outlets should be confined to the visitors centre and that

businesses or hiring outlets for recreational and camping gear should not be constructed within the Namadgi National Park, Canberra Nature Park and other nature reserves.

The association believes a database of organisations and companies, both commercial and non-commercial, that use the park and reserve system should be kept by ACT Parks and Conservation Service; that limits should be set to group sizes; and that codes of conduct should be provided and enforced. All organisations that charge fees for commercial services should be licensed to operate by ACT Parks and Conservation Service, and the conditions for obtaining the licence and renewing it should be based on complying with the code of conduct set to protect the natural and cultural heritage.

Any sponsorship arrangements should not provide for signage within the park. And, of course, it is very important that indigenous people with an interest in that area be involved in any arrangements that are made.

However, we weigh the concerns of these organisations against the Tidbinbilla Nature Reserve business case and master plan, which was launched on 31 August last year by the Chief Minister. This plan shows that camping and accommodation should occur as soon as year one; that \$500,000 needs to be spent on camp site preparation in year one; and that fees collected for camping would be much higher in revenue than that gained from special events and guided walking events. The document does not say when year one is, but I am assuming that it is 2005-06, given that the paper was published in 2004.

Page 96 of the plan states that no costs are allocated for the possible future construction of ecolodges, as these would be the responsibility of the private sector. Existing power and other facilities would be maintained for possible use by these buildings. Finally, page 102 outlines a number of sponsorship opportunities that could be pursued. But it does not say what sponsors would receive in return for their funding and one does not like to think of billboards all over Tidbinbilla.

My point is that there are some significant changes outlined in the business case and master plan that I believe the community will be concerned about. As you know, the Greens are extremely supportive of nature-based tourism, if it actually respects the nature that it is focused on, and I want to ensure that the ACT government does not make decisions without appropriate community consultation and that the decision it does make strikes an appropriate balance between conservation and visitor impacts, with conservation being the prime factor.

I am not yet sure from the limited information that the government has provided about camping, or indeed about developed accommodation, that it will strike the appropriate balance. I look forward to the government providing this information to the community in the near future and I hope to receive some assurance from the ACT government that it will not make a decision until it has fully considered the advice received from the public, interested community organisations and experts on these matters.

**MR SPEAKER:** The discussion is concluded.

## **Cabinet-in-confidence documents—order to table**

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.55): I seek leave to move a motion related to the production of documents.

Leave granted.

**MR QUINLAN:** I move:

That:

- (1) any non-executive Member of the Assembly holding or having access to cabinet-in-confidence documents or parts thereof without authorisation of the Cabinet Office table such documents by the close of business today; and
- (2) notwithstanding anything contained in the standing orders, the document not be approved for publication nor distributed to Members, and upon presentation be returned to the Cabinet office by the Speaker.

I think the motion is self-explanatory. I will not bother the House with a lot of pious humbug; it is probably superfluous. I know that I am amongst noble people, so let us just say that it is a little bit of insurance. But it does mean that retention of such documents as referred to in the motion would render the particular member in contempt of the Assembly and, of course, open to appropriate consequence.

Question resolved in the affirmative.

## **Domestic Animals (Cat Containment) Amendment Bill 2005**

Debate resumed.

**MR SESELJA** (Molonglo) (3.56): I was talking to some students today and they were asking me about what I did. I was thinking about what we had ahead of us today and I was thinking, “Wow! What do I tell them?” I said; “Well, we are going to be doing some legislation on cats,” and they were all suitably impressed. It was all very impressive for them. They had made their first trip to the Assembly, they asked me what I was doing and I said; “We are talking about cats, putting microchips in them and stopping them from getting out.”

It is good to see that the Assembly is dealing with the big issues. People often do, unfortunately, talk about this place in a derogatory way, and I always argue against them. But, unfortunately, I do not think bills like this help our cause at all. I note that the Greens welcome this legislation, and that would be no surprise, because this is the sort of legislation that you would expect the Greens to support. In fact, one would suggest that this is the sort of legislation that the Greens would draft were they ever to get in government, and it calls to mind some of the other legislation or legislative measures that the Greens would bring in. I think at the last election it was something about more access

to illicit drugs or something. I do not take it as a great endorsement of a piece of legislation when the Greens agree with it; I think it is probably a bit of a bad omen when that happens. It certainly does not fill me with any great confidence. I talked about if the Greens were in government. A friend of mine, who is a Greens voter, funnily enough, told me, "Well, you know, I would never vote for them if I thought they would get in," which was fascinating to me.

**MR SPEAKER:** Come back to the subject matter, Mr Seselja.

**MR SESELJA:** I will come back to the subject matter, Mr Speaker, but I did think that was telling. He has been voting Green for as long as I have known him, and that is interesting, I think.

I just want to touch on what the legislation does. Obviously it covers a number of areas. The minister has talked about those and Mr Pratt has responded well. The bits I want to focus on are the permanent confinement of cats to houses and other enclosures in the suburbs of Forde and Bonner and the compulsory identification of cats by microchip in the cat containment area.

I go back to the point I made at the beginning. The principle I take when looking at a piece of legislation is: is this an undue intrusion into people's lives? I take the position that, if it is unnecessary intrusion in people's lives, we should oppose it, and I think this legislation very much falls within that category. I think some members of the government are probably uncomfortable with it as well, but for various reasons the government has brought it forward. It is an important principle for us as an Assembly: to look at any law and ask whether it is going to improve the situation in the territory or make it worse.

I suggest that this is undue interference in the lives of many cat lovers. I am not going to comment necessarily on cats, but certainly there are a lot of cat lovers in our community, and no doubt many of the people looking to move to places like Forde and Bonner will be cat lovers and this may cause them some problems.

I was thinking of how this fits with the other priorities of government—health, education, police, transport—and whether at a time of a massive budget deficit measures like this can be justified. In my humble opinion, they cannot.

This forms a bit of a pattern in terms of the agenda of this government and their focus. What have they been looking to do? Well, they are protecting trees really well; we are all aware of that. They are doing a great job of protecting trees. Even if the roots are causing all sorts of dramas, the trees will be protected in this territory. The trees in this territory get more protection than those anywhere else. And now native birds will get more protection than anywhere else—at the expense of cat lovers, cat owners, who will have to take all sorts of unnecessary measures under this legislation.

Of course, we think of some of the other misguided priorities like the community inclusion board and the arboretum. This government spent the first year or two in office just trying to take discriminatory language out of legislation. You have got to really question where the priorities are. Where is the priority of this government? Look at the agenda today; this is the last thing we are doing. This is why I was so embarrassed when

I had to talk to the kids today about it and then I had to tell them what we are finishing with: the Domestic Animals (Cat Containment) Amendment Bill, about the microchipping of cats.

If this is the best that the government is able to offer, that is extremely disappointing. As I said at the beginning, they have got the support of the Greens, so that is more power to them. But I do think that this kind of legislation is unnecessary, it is unhelpful and it really does not add much; it is undue intrusion. I think of some other similar areas and it goes to enforceability. We have got all sorts of legislation against dangerous dogs and other things, which is good. The reason for that is to protect the community, so I support laws such as those. But there is no enforcement; anyone who has recently tried to call the pound when they have had a big dog roaming around their neighbourhood will have found out how far you get. There just are not the resources to enforce these kinds of things.

That brings me to the point about this cat containment legislation: how many cat police are we going to hire? That is the question: how many cat police, Mr Hargreaves? With Forde and Bonner, and, of course, the nature parks, that is a reasonable area. He talks about a policeman at every letterbox. There will have to be a cat policeman in every street, constantly patrolling for these menacing animals. The more I think about the enforceability of this legislation, the more it displays to me that this legislation really is just a bit of a sop to people. I am sure that there will still be cats roaming in those areas.

I am sure that the cat police will not actually be formed and I am sure that most of these vagrant, delinquent cats will not be brought to justice. I expect that they will never be brought to justice, and so you ask: why put in place a piece of legislation that will never actually be enforced? Things will just go on as before, except that law-abiding citizens will have to build all sorts of cat enclosures to stop their cats getting out. That is my concern with legislation like this that creates an undue burden on people. Many older Canberrans seek a lot of companionship from their cat. This will affect low-income earners who do not necessarily want to keep the cat inside their house all day but perhaps do not have the resources to build a large cat enclosure.

I return to the main point here, that this is part of the agenda of a government that has got its priorities completely wrong. It is completely skewed. It focuses on things that people really do not care about, and I think that it is time that it started focusing on things that people do care about—on fixing our health system, on providing decent road infrastructure, on providing sufficient numbers of police and on fixing our education system. Then people might start to take this place much more seriously. I suggest to the minister that he not be driven necessarily by elements of the green lobby in preparing legislation; that he thinks through whether it is a good idea or a bad idea; and that, when it is a bad idea, when it is a stupid piece of legislation, he reject it for what it is.

**MR MULCAHY** (Molonglo) (4.05): Mr Speaker, I will be brief in relation to this matter. I share the concerns that Mr Seselja has so eloquently outlined and that Mr Pratt explained earlier. When this bill was introduced, I hastily looked at the calendar to see if it was 1 April, because I honestly could not believe this bill to be of the level of importance in legislative reform that we should remember of the Stanhope government when it is voted out of office at the end of the current term. This bill will go down as one of its more remarkable efforts in terms of legislative control in the territory.

One of the things that sadden those of us who often hear the views expressed of people outside the territory is the derisive way in which they sometimes reflect on the territory since the securing of self-government. Some of us have entered this Assembly with the hope of improving the level of contribution and standing of the Assembly, as I said in my inaugural speech, in order to ensure that the people of Canberra attach greater relevance and importance to our work. It is just surprising to look at the program for today. As Mr Seselja said, we are talking about extraordinarily pedestrian issues supposedly as matters of public importance and we are now on to a matter here that says to you, "Where are the priorities of this government?"

The government is facing a major economic crisis. There appear to be all sorts of dramas occurring in cabinet. We have a situation where, clearly, the government has completely underestimated the cost of health care and the resources of the Assembly are being devoted to this legislation to deal with chasing cats, applying cat curfews, and the identification of cats. Mr Hargreaves is often pretty closely in touch with the electorate and I know that there are people out there who hate cats, but it staggers me that he would be dragged into this subject by his department. Apparently the zealots in the department tried to get Mr Smyth to do this years ago and he was smart enough to realise that there was no glory for him in engaging in this sort of legislation.

When I see that the criminal code applies to offences against the act such as cats in breach of a cat curfew and the identification of dogs and cats, it really does, as Mr Seselja said, make it on the verge of embarrassing to tell people that this is how we spend our day. I am fascinated by some of the provisions here. I refer to the one about returning a seized cat to its keeper, which states:

- (1) An authorised officer may return a cat seized under this part to its keeper under this section if satisfied that it would be in the public interest to return the cat.
- (2) In making a decision under subsection (1), the authorised officer must consider—
  - (a) the safety of the public ...

I do not know what sorts of cats we are talking about here and I do not know whether there are some issues related to Mr Tindale's zoo over there, but I do not feel that the cats I have seen are a major threat to the safety of the public. But this officer will make that consideration because obviously someone in the department has a particular fixation that the wellbeing of our community is threatened and that the public safety of the good people of Canberra is threatened by these wandering cats.

I struggled to contain myself in reading some of the provisions. Moving on to the procedure for the identification of cats, clause 13 states:

A person must follow the following procedure in implanting an identifying microchip in a cat:

- (a) scan the cat, before the microchip is implanted ...

I know that Mr Hargreaves has a pretty good sense of humour and he may have thrown in a few provisions here to provide entertainment to the Assembly, but it beggars belief that anyone would come to this Assembly in 2005 and put forward legislation like this and seriously expect it to be supported. The whole affair would be quite amusing, except for the fact that so many other issues have been identified. Mr Pratt has identified a host of problems about the look of our city. We have identified issues that really are appropriate for urban services, such as the state of our roads and the failed lighting in so many areas. It seems staggering that this is the best Mr Hargreaves can do with those people.

As I came down Yamba Drive on the weekend and looked at the median strip on Adelaide Avenue, I thought we were creating a new nature park in the city. The place is overgrown; it is in an appalling state of appearance. I would like to see resources and the time of the Assembly being put into improving the appearance of our city and concentrating on things that actually do concern people, rather than being devoted to these extraneous pursuits because somebody in an agency has been pursuing this issue since at least 2001.

I suppose you can make out a case for anything in terms of legislation in extreme cases, but the fact of the matter is that this is one of the least credible initiatives ever taken. I am staggered that the government is struggling now with legislative reform to dream up anything of any consequence that is important to the people of Canberra and has to resort to this sort of initiative. It flies in the face of ongoing needs of our community and areas that are requiring critical attention, especially the administration of health. I hope that when the reshuffle occurs the government will let Mr Quinlan take charge of that area because I suspect that at least he will be able to make some administrative improvements there that his colleagues are not letting him do through the cabinet process.

These are the issues that I find people are concerned about. The government is not preoccupied with these issues and I think that it is a sad reflection on the government that, while Mr Stanhope is off in Sydney having a quarrel with John Howard, we are here in this Assembly wasting our time with this classic example of overregulated ACT government initiative that really should not be supported in this place.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.12): I had not meant to join this debate until we had the sneering and condescending contributions that we have just had. I know that Mr Mulcahy has delusions of grandeur and would rather hang around most of the time in the lofty halls on the hill coat tugging.

I would remind members that the ACT has only two levels of government: federal government and this Assembly, which takes the role of both state and local government. So, like it or not, as well as being state representatives, you are city councillors. You are city councillors of the bush capital, a beautiful city with open space that has enjoyed and does enjoy the native birds—the crimson rosellas, the eastern rosellas and the gang-gangs—that make this place what it is and common sense dictates that there is a need to take whatever protective action we can.

Because we cannot necessarily capture every stray moggy that gets over the boundary does not mean that we do not have to try to preserve the bush capital that most Canberrans love. It might be a bit of a jolly—fair enough, let us have a bit of a giggle here every now and then; I do not mind that—but, at the same time, this legislation is part of a process of maintaining the bush capital, the bush capital that I like living in, the bush capital where native birds do come to the trees near my place. I hope that they will continue to do so. I am happy to confess that I am not a cat lover. I am not a cat lover because they prey on native animals and birds.

**MRS DUNNE** (Ginninderra) (4.14): I have hardly been able to contain myself all day in anticipation of this debate. I am glad that Mr Quinlan dragged himself out of his usual catatonic state and had something to say, but he was hardly what you would call a cat on hot bricks over the whole issue. This is a catastrophic piece of legislation. We have here today a coming together of convenience. This issue was raised in the last Assembly by the Greens, which wanted to have a cat exclusion zone.

**Mr Quinlan:** A good idea.

**MRS DUNNE:** I actually think that the people of Canberra would be better off if there were a cat exclusion zone in sensitive areas close to nature parks and nature reserves, rather than this cataclysmic piece of legislation we have today. What we are going to do is to create in every backyard an absolutely catastrophic landscape. There is going to be a honeycomb, or could we say a catacomb, of cat enclosures all across Forde and Bonner. It is going to be a visual eyesore, a complete and utter visual eyesore.

In addition to the visual eyesore, we have also had the presumption of the minister with the complete dog and goat act of a media release that went out today headed “Cat containment bill to pass today”. Not even he could contain himself; he had to come out before the legislation was passed. Something might go wrong, minister, and it may not be passed today. I cannot think what, but perhaps Mr Quinlan or Mr Gentleman will cross the floor. Here we have a whole range of issues that are so important in this area that we have created a huge bureaucratic nightmare to address them.

Addressing the impact of cats on native birds is, as Mr Quinlan said, very important, but it could have been addressed in a better way. It could have been addressed by having a cat exclusion zone. If you built a suburb and let people know that if they have a cat they probably would not want to live in this suburb, you would be better off. You would not have the great bureaucratic mess that we have here today. What do we have? We have, as Mr Hargreaves said in his media release trumpeting the great success today, legislation for the compulsory identification of cats by microchipping, a containment area and a compulsory phasing in of microchipping at point of sale for the rest of Canberra over a three-year period.

We have EFTPOS and now we are going to have “MOGPOS”. After every one of them is “MOGPOSed” we could have compulsory CAT scanning of all cats in Canberra. We have the seizure of stray cats—members of my staff wondered whether a seizure of a stray cat was different from any other sort of cat seizure—and we have temporary housing for seized cats, so we now have to have crisis accommodation for seized cats, and then there is the identification of their owners. Does that mean that the cat owners

are going to be CAT scanned as well? And then there are the great prudential judgments that officers of the department will have to make about whether it is in the interests of public safety that seized cats be returned to their owners.

The point has been made and I can labour it. I think I have gone through all of the issues: no, I have not; I will labour it a bit longer. What we have here today is a whole lot of new rules that are unnecessary. There are better ways of addressing this issue. Dare I say that there is more than one way to skin a cat? This is one of a catalogue of errors that this government has gone through. This is probably the worst error that this government has made. It has created a nightmare of legislation, of bureaucratic imposition on people's lives, when there are simpler, neater, better solutions that it was not prepared to embrace.

The current environment minister was not prepared to embrace in the previous Assembly something that was simple, clean and neat. No, this is the Labor Party and we have to have a whole catechism of rules about what you can do with your cats if you live in a sensitive area, rather than saying, "Here is a sensitive area. We should protect the native birds adjacent to these areas by banning the cats".

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.19), in reply: I rise to close the debate and to put an end to the frivolity. We have all had a good giggle and we have all had a good laugh, but the people living adjacent to the Mulligans Flat and Gorooyarroo nature reserves are not particularly chortling. What is in that nature area which is not on, say, Fadden hills, Wanniasa hills and Mount Ainslie? What exactly is in there that requires this extra measure? Shingleback lizards, which are rare. There are echidnas there, eight different frog species, 11 different mammal species and 14 other reptile species. The Mulligans Flat area was not designated as a sensitive nature reserve just on a whim. It was done to preserve that wildlife.

We know that cats unrestrained will go for a wander and that some of them turn feral. We know how destructive they can become when they do become feral. We have legislation covering what happens when dogs turn feral. We should have legislation to make sure that cats do not, where we can. This piece of legislation is actually in two bites. One bite is about trying sensibly to protect against residents of suburbs of Forde and Bonner releasing their cats into that nature reserve. People will know in advance and it will be signposted that this is a cat containment area. I have two cats at my place and no dogs and I support this piece of legislation because I would be devastated if my little blokes actually went across the roads to Mulligans Flat and contributed to the decimation of rare and endangered species of mammals, lizards and birds. I do not think I could stomach that.

I could entertain the house for another 15 or 20 minutes on cat jokes, puerile attacks on cats, but I am not going to do so. At the same time as we have this bit of legislation covering Mulligans Flat and the Forde and Bonner areas of Gungahlin, we are talking about some preventative measures. We are talking about having all cats in this town microchipped by June 2008. That has two advantages: it identifies and it reunites lost cats with their owners. It also means that by that date we will have every cat in this town desexed, unless people have a license for the breeding thereof.

We have transitional provisions to address the things that Mr Seselja talks about, the poor people. Cats can have a collar and a label until June 2008. At the moment, if your dog is picked up roaming the streets, having just chomped on the arm or the shoulder of a child, as happened to my grandson only a month and a half ago, the animal is picked up by the domestic animal services and impounded. The particular one I referred to was destroyed, as it should have been.

We have no legislation empowering the domestic animal services or the RSPCA to pick up stray cats. They can do so if they think a cat is in distress, they have that power, but they do not have the power to insist on its being impounded. We will give them that power. They have the power now to temporarily house them, and they do so. We do not have the facilities within the domestic animal services, so an arrangement has been struck with the RSPCA. They need to have that arrangement legitimised through some kind of legislation.

I think that this is a responsible piece of legislation. It is not quite as frivolous as those opposite would make out. Whilst I am grateful for the comments of Dr Foskey, the genesis for this piece of legislation cannot be laid at the feet of the conservation council. They made a contribution, but that is all. Lots of other people made significant contributions to this legislation. So to suggest that the research arm of the ACT Greens is responsible for this piece of legislation is not correct.

I foreshadow that I have an amendment to the legislation. The amendment to the legislation really only goes to a delay in the commencement so that there is consistency with subordinate legislation. The subordinate legislation, which, of course, is dependent upon the act, has to be consistent in regard to timing. It would be silly to have the act come into place when the subordinate legislation did not exist. So there is an amendment to be placed on that. I commend this legislation to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.27): I move amendment No 1 circulated in my name [*see schedule 2 at page 4338*].

I table a supplementary statement concerning the amendment. The amendment delays the commencement of the Domestic Animals (Cat Containment) Amendment Bill 2005 from the day after the notification of the bill on the ACT government legislation register to a date fixed in writing by the minister. If the provision has not commenced within six months, automatic commencement will take place at that time.

The delay is necessary to allow time for subordinate legislation for the compulsory microchipping program to be prepared in conjunction with cat management and

identification legislation and systems in other jurisdictions, to ensure that the territory's legislation is consistent and compatible with these jurisdictions, particularly New South Wales and Victoria. There is nothing sinister about this; it is mechanical.

Amendment agreed to.

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

Bill, as amended, agreed to.

## Adjournment

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

That the Assembly do now adjourn.

## Disability ACT—Ms Alyssa Blazey

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.29): I rise in this adjournment debate to put a couple of things on the record. I was quite annoyed today when I was asked a question about a specific case being administered, if that is the right word, by the Department of Disability, Housing and Community Services. I need to place a further piece of annoyance and anger on my part on the record. When supersensitive cases like this one have come up, it has been the case on occasion that my office has offered selected people among those opposite detailed briefings on a confidential basis.

What annoys me, beyond that which I expressed in question time today, was that a briefing on this particular case was offered to the Leader of the Opposition by my office. I make two observations: firstly, the Leader of the Opposition did not have the courtesy to respond to that invitation; and, secondly, as with all parliaments, the party rooms decide on the content of questions. It is unheard of for the Leader Of The Opposition or the leader of the government not to know the content of questions being asked in question time. The Leader of the Opposition in this place—

**Mr Quinlan:** Which opposition?

**MR HARGREAVES:** I am not sure, actually. I take it back, Mr Mulcahy: I was talking about Mr Smyth. Mr Smyth knew the content of the question that Mrs Burke asked today, knew it was inappropriate and knew that he had been offered a confidential briefing by my office and he had not had the courtesy to respond to it.

I have expressed my discontent with Mrs Burke and, as far as I am concerned, that is the end of that matter. But I have a big problem with the behaviour of the official Leader of the Opposition, who should have told his shadow that he had been offered that confidential briefing.

**Mrs Burke:** We talked, John.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Gentleman): Order, Mrs Burke!

**MR HARGREAVES:** I am assuming that Mrs Burke did not know that he had been offered that briefing.

**Mrs Burke:** It is your problem and you did nothing.

**MR HARGREAVES:** It is my problem! I have offered a confidential briefing to the Leader of the Opposition and he has not had the courtesy to respond. Mr Temporary Deputy Speaker, I will bet you that he has not told his shadow minister that he was offered that confidential briefing. I will bet my thumbnails on that.

**Mrs Burke:** Your inaction is the problem.

**MR HARGREAVES:** The problem, in fact, is that the Leader of the Opposition, the so-called official Leader of the Opposition, does not have the courtesy to talk to his colleagues about those sorts of invitations.

**Mrs Burke:** We have spoken.

**MR TEMPORARY DEPUTY SPEAKER:** Order, Mrs Burke!

**MR HARGREAVES:** Clearly, he has hung out Mrs Burke to dry on this. Had he indicated to Mrs Burke that he had been offered this confidential briefing, she would not have come into this place and embarrassed herself.

**Mrs Burke:** I am not embarrassed. You are embarrassed.

**MR HARGREAVES:** If she is not embarrassed, she should be embarrassed.

**Mrs Burke:** No, I am not.

**MR HARGREAVES:** You should be embarrassed.

**MR TEMPORARY DEPUTY SPEAKER:** Order! Mrs Burke, I have called you to order twice. Next time I will ask you to leave.

**MR HARGREAVES:** The point that I am making here is not, at this stage, an attack on Mrs Burke, because I did that in question time and that was the end of it. I am expressing my disappointment and dismay at the Leader of the Opposition for, I assume, not informing Mrs Burke because, if she knew that he had been offered a confidential briefing and still marched down into this place and portrayed people's pain on the public record, that makes her even more contemptible, which I do not actually believe is the case.

I believe that a man from over there who is not here at the moment has hung her out to dry. She ought to seriously consider the loyalties of this particular person to the rest of his colleagues, because I have not seen a lot of evidence of it lately. I can tell you now

for a fact, Mr Temporary Deputy Speaker, that the opportunities coming out of my office for confidential briefings will slow down immeasurably.

### **Socceroos—World Cup qualification**

**MR SESELJA** (Molonglo) (4.33): I could not let this day go past without mentioning the fantastic victory in the World Cup qualifier yesterday by Australia over Uruguay. The sports minister is smiling at me. I know he does not like soccer. If I were talking about AFL, I am sure he would feel more comfortable. It is a fantastic achievement, a fantastic day for Australia, and we should all be very proud.

**Mr Quinlan:** Try it. Let your head go and try liking more than one sport.

**MR SESELJA:** I do not think you do. I will take your word that you are happy about this. I know there are many people in the community who are absolutely stoked. My boys tried to watch but they fell asleep at about 20 minutes to 10. They did pretty well, though. It was a fantastic game.

I pay tribute to the Australian team. For me, being a younger member of this place, it has not happened in my lifetime that we have made a World Cup. I am probably the only one who can say that. After the dodgy free kick that the Uruguayans got in the first leg, which led to their scoring a goal, it was justice in the end. There were some fantastic contributors. John Aloisi kicked the winning goal. Harry Kewell was fantastic. Bresciano kicked the goal that put Australia in front.

**Mr Quinlan:** What was that kick of Viduka's, for God's sake?

**MR SESELJA:** I have got a lot of time for Mark Viduka and I will not say a bad word about him. It was not one of his better efforts, I must say. I am sure he will be as happy as anyone, given that they ended up winning.

I remember the 1993 qualifier, when they beat the Canadians in a penalty shootout—they eventually lost to the Argentines—and Mark Schwarzer did the same thing and won the shootout for the Australians. It is fantastic that, 12 years later, he is still up to doing the same thing. He is probably a better keeper now. They did very well.

I noticed that Canberra's own Ned Zelic was on the commentary team. He has been a fantastic contributor to Australian soccer. It would have been great for him to be part of it, but that is unfortunate. Certainly Ned would have been very happy. The imported coach, Guus Hiddink, is now a national hero. I pay tribute to them all.

I cannot finish without paying tribute to the great Johnny Warren. It was a fantastic day. I am sure Johnny Warren would have loved to see it. I am sure he was looking on from somewhere. I look forward to seeing Australia do very well at the World Cup. I am sure many soccer-loving Canberrans do. Hopefully, it will be the start of a new era for Australian soccer. I am sure that the sports minister will be sending a hearty congratulations letter to the Australian soccer team.

## **Pakistan earthquake**

**MS PORTER** (Ginninderra) (4.36): As all members would be aware, each of us in this place were invited to attend a candlelight vigil in the square at the front of the Assembly building on Tuesday evening last week. This vigil was to help raise the profile of the plight of those who have survived the earthquake that struck South Asia, particularly Pakistan, on 8 October. I, together with Minister Hargreaves and Dr Foskey, attended the vigil, along with approximately 100 other Canberrans, predominately of Pakistan origin. The aim of the vigil was to make Canberrans aware of the suffering that is being experienced by people in the region and to plead for people's assistance as the winter months rapidly approach, with all that will bring.

Since shortly after the quake, there has been precious little coverage by the mass media in this country of the consequences. Were it not for SBS and, to a lesser extent, the ABC, we would have virtually no coverage. Compare this to the saturation coverage before, during and after the two cyclones that struck the southern parts of America a few weeks earlier. What is it about people from developing countries that make their natural disasters less worthy of reporting than those that affect richer nations? Is it that people of different backgrounds to ourselves do not bleed as we bleed, get hungry as we get hungry, get cold as we get cold?

As terrible as it is that so many Americans lost their lives and that many tens of thousands lost their homes and livelihoods in the cyclones that devastated the southern states, what is it that makes their plight so much more reportable than those whose societies are different from ours? Are 10,000 American children at risk of dying from hypothermia in the next two weeks? Are 100,000 Americans at risk of dying in the next month as winter sets in? This is what faces the four million who are now homeless in the hundreds of destroyed towns and villages in Pakistan. They face an unimaginable winter without access to shelter, adequate food and water and medical supplies.

We cannot stand by and see this happen. We must do something about it. The most effective thing we can do is donate money, and lots of it. Their first need is the provision of medicines and medical supplies, and the second is shelter. Donations are urgently needed to buy bandages, gauze, painkillers, blankets, sleeping bags, camping gear, coats, jackets, hats, gloves, scarves and socks.

World Vision says that aid has still to reach 250,000 survivors. In those areas, the snow is already visible on the peaks of the mountains; yet many in these remote areas do not have tents. Many have given up waiting for tents and are using the remnants of a demolished home to erect crude shelters, but it is unlikely the shanties will be strong enough to withstand the weight of the snow that is imminent. In one camp alone, 200 cases of acute diarrhoea have been reported, including dysentery, and while no deaths have yet been recorded health officials are fearful of an outbreak of cholera.

I implore all those in this place and, indeed, all Canberrans to give to the various appeals that are now being conducted—to give and then give again; give until it hurts—as they are hurting. It is impossible for us to imagine the suffering of those who have survived this disaster, but it is not impossible for us to help.

## **Illegal posters Death penalty**

**MR PRATT** (Brindabella) (4.40): Firstly, I noticed—and I wonder whether the urban services minister would like to clarify why this is the case—on Parkes Way today that placards and posters by the ACTU had been attached to light poles and the like. I want to know whether they have been approved. It is not a legal and right thing to do, and they require permission. Permission, as I understand, from looking at the regulations, is in fact a fundamental necessity. Billposting is illegal. So it would be interesting to see whether there has been a sweetheart deal between this government and the ACTU on putting things up on our community's infrastructure.

The second point is that yesterday, in the death penalty debate, Ms MacDonald quite clearly misrepresented what I said in that debate, and I need to correct the record. I voted for and supported her motion. But in her closing address she stated a couple of things that simply did not reflect what I had said in my speech. She stated something along the lines that I “talked about the issue of trafficking in drugs that results in more deaths”. She then went on to say that this is “not an argument for allowing countries to use the death penalty. The death penalty has not acted as a deterrent to people doing that.”

The first point is that I referred in my speech to the death penalty not being a deterrent for anything. Clearly, Ms MacDonald did not listen to what I said. My second point is that I very strongly argued that we have a duty to advise other countries that we do not support their death penalty regimes. If we have Australians on death rows in other countries, we have a duty to vigorously campaign to have those sentences reversed to some other form of sentencing regime.

I did point out the difference between respectfully but firmly making those views very clear to other nations and “not hectoring and lecturing”. Ms MacDonald clearly has a problem with that. By the comments in her closing address, she apparently believes that we should hector and lecture. How out of touch would that be? Typical Labor arrogance and ignorance! Labor has little understanding of both the harsh realities and the cultural and political sensitivities of the nations with which we closely share a piece of the globe.

The last point she made was on the issue of life meaning life in prison. Ms MacDonald portrayed another massive Labor difficulty when it comes to discussing this subject. Labor is simply incapable of taking the tough but right decisions to further protect our community from the most horrendous offenders. Ms MacDonald apparently cannot stomach the notion of locking away for the term of their natural life the odd few monsters that have emerged and will continue to emerge in society. Apparently she would rather inflict them back on society at some stage after some jail term.

On that, I would refer Ms MacDonald and her colleagues to Dennis Shanahan's excellent editorial in last Saturday's *Australian* about the yawning gap between Labor, which is too far to the left, and the rest of the Australian community in terms of community expectations on fundamental issues. Have a look at that paper; have a look at that article. I would say that Ms MacDonald's closing speech yesterday starkly illustrates that yawning gap.

## Malaria

**MRS DUNNE** (Ginninderra) (4.44): Like Ms Porter, I would like to dwell on the Third World today, which is something that is not normally the business of the Assembly. I would also like to dwell on the widespread prejudice the world has developed against the use of DDT as a means of eliminating malarial mosquitoes in the developing world. Mosquitoes are responsible for the death of some two million children each year, that is, about one child every 30 seconds; and 2.2 billion people across the world are affected by malaria, not in countries like Australia but across Africa, Asia and Latin America where, since the 1970s, dogma has gradually removed DDT from most malarial control programs.

The facts about DDT are generally agreed. It was first introduced in the 1940s, primarily in Europe and North America, where it was totally successful in killing the insects that spread the disease. It had other agricultural uses. It was so successful that the 1948 Nobel Prize for physiology or medicine was awarded to the Swiss scientist Paul Muller who discovered DDT's insecticidal properties. So the developed world has benefited from its use and we do not suffer from malaria.

From the early 1960s, especially after the publication of Rachel Carson's book *Silent Spring*, DDT became a totemic bogeyman of the growing environmental movement. There was a kernel of truth in Carson's accounts. In North America there were huge quantities of DDT used extensively and intensively, which did have a toxic effect on animals and did have some effect on the thinning of birds' eggshells, especially raptors. But this was the result of industrial-strength spraying.

What is important about Carson's book was not that it was primarily about health. Though trained as a scientist, Carson was primarily concerned with the aesthetics of nature and how beautiful everything was before human beings got in the way and spoilt it. The new pesticides, she excoriated, were, first and foremost, ugly.

The important thing to consider about *Silent Spring* was the strange collection of bedfellows who got together and saw the banning of DDT by the USA and the EPA in 1972. Despite extensive hearings that resulted in the conclusion by the EPA that the use of DDT under the regulations involved there does not have any deleterious effects on freshwater fish, estuarine organisms, wild birds or other wildlife and is not a mutagenic or teratogenic hazard for men—despite these facts—the EPA administrator, a Nixon appointee who, according to his own staff, did not attend a single hour of the seven-month hearing or read a single word of the transcript, took it upon himself to ban DDT, which is the only cheap, effective means of combating malaria.

I suppose the reason for that is pretty obvious. There is \$400 million a year spent, mainly US money, on malaria programs across the world. Hardly any of that goes into killing or repelling mosquitoes; most of it goes into committees and meetings. As a result, as I have said, millions of people die every year across the world. And there is a great problem with DDT and the lack of its use in the Third World.

Today, I would like to table, for the information of members, a declaration of informed and concerned people about the effect of malaria on the world.

**MR SPEAKER:** You will need leave, Mrs Dunne.

**MRS DUNNE:** I seek leave to table a statement.

Leave granted.

**MRS DUNNE:** I present the following paper:

Malarial mosquitoes—A declaration of the informed and concerned.

I thank members for their leave. The coalition is headed by Archbishop Desmond Tutu and includes eminent academics and government health officials and specialists, the co-founder of Greenpeace, the president of the National Black Chamber of Commerce, and the president of the Association of American Physicians and Surgeons, amongst many others from the world's sciences, universities, human rights and businesses.

I will be writing to all members of the Assembly seeking their signatures to a statement of support for the coalition and I will also be writing to other parliaments in a similar way. I trust that members of the Assembly will join with me in this modest attempt to put an end to a wholly avoidable premature death for millions of the world's poorest and most vulnerable people.

### **ParentLink Kaleen high school**

**MS GALLAGHER** (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (4.49): I rise briefly on two matters. The first one is that, for the second consecutive year, ParentLink has won the best service award at the Canberra Kids Expo, which was held at Exhibition Park from 4 to 6 November. ParentLink is an ACT government service designed to increase parents' confidence and skills by supporting and linking them to a network of available information.

I congratulate ParentLink and the staff of ParentLink on their achievement. I understand that they won the award after receiving votes from guests and all those attending the Kids Expo on the weekend. The stall attracted at least 400 parents over the three-day event. The stall was staffed on a roster basis by ParentLink, training and community education staff and staff from child and family centres. So congratulations to ParentLink for the award and to all those who participated on that stall over the weekend.

The second matter is this: I would like to read out a letter received by the Department of Education and Training but copied to my office from a parent of two students at Kaleen high school. The letter reads:

I am writing not to complain about the school nor the education system in any way. In fact, I am writing to let you know what a truly remarkable school Kaleen High is.

My daughter changed from a private school last year to Kaleen High and was having difficulties with school at the time. My son started at the school in year 7 this year. Our family has found the school to be extremely supportive of not just the students but also of families as a whole. This school goes out of its way to ensure that every student is treated as a valued member of the school community.

The deputy Principal, Mr Simon Vaughan, along with other members of staff provide a friendly, caring, supportive and safe environment for the students and their families. They recognise the differences in people and value these differences. They encourage all the students to be the best they can individually be and lead through compassion, understanding and mentoring. The support that Mr Vaughan and other staff have given to our family has had a significant beneficial impact on us.

I would like to commend Kaleen High school and its staff to you as a fantastic example of a government school achieving wonderful outcomes for students, their families and the community. I am not sure whether you have awards for excellent schools or have any way of recognising the wonderful job that this school is doing, but if you did I implore you to recognise Kaleen High for its significant contribution to the students of the school.

That is a lovely letter about a fantastic school and I hope that, by acknowledging it in the Assembly today, that is recognition enough for the efforts that the school goes to in order to meet the needs of the school community.

### ***On the other side***

**MR GENTLEMAN** (Brindabella) (4.52): I rise to advise the Assembly that I had the opportunity last month to see a play *On the other side* which was produced by the Canberra Youth Centre. The Canberra Youth Centre is the longest established youth theatre in Australia. The play was held on Turkey Hill at the Tidbinbilla Nature Reserve. I went along with Ms MacDonald to have a look at the play. A group of scouts were visiting the reserve at the time and I encouraged them to come and have a look at the play as well.

*On the other side* is a quite exciting play. It took us around the Turkey Hill reserve and used the area of Turkey Hill, including rocks and other outcrops, as infrastructure within the play program. The Canberra Youth Theatre, the company, has been going since 1972 and has been a great feature of the Canberra arts industry, contributing to Canberra's cultural climate and development by meeting the needs of the region's young people in a field of performing arts.

The production *On the other side* was self-devised and breaks the limits of our perceptions of outdoor theatre performance. I quote from their site:

In a world of small things big things can change everything.

What's on the other side?

A safe paradise? a white container? or someone who looks like your mother?

As the group went through the play, they took us to different positions on Turkey Hill and described their play. It is described here as:

... a fun and brilliant theatrical adventure where small things can show us how to be great! Where the endangered march on the road to Recovery and where protecting our biodiversity for future generations is FUN, as well as important.

This is a group devised show that explores ideas of survival, environment and co-habitation. Using performance installations, movement, satire and non-narrative-based performance ...

It was a fantastic show. I am glad I had the opportunity to have a look. I am also glad that the local Kambah scout group, with scout leader Jeanette Gordon and Will Munford, her son, were able to attend as well. I congratulate all of those involved, including the Canberra Youth Theatre, Environment ACT, Tidbinbilla staff and the ACT scouts.

## **Malaria**

### **The Junction**

#### **Community events—government invitations**

**DR FOSKEY** (Molonglo) (4.55): I wish to raise three matters. First of all, it is pretty clear that the environment movement is not in favour with the Liberals today. I thank Mrs Dunne for bringing the issue of malaria in the Third World to the attention of the Assembly, it being a matter that has been neglected by governments of the world in their funding decisions for a very long time. If signing a petition is going to fix that, I will certainly do it.

My second point is related to a question that I asked the minister for community services about today about the Junction. Probably people on that side of the house know that the Junction is the responsibility, at the moment, of the department of health and that it is going to be handed over to the Department of Urban Services. To clear that up, it is not the Minister for Planning that I need to talk to about this but it will be the Minister for Urban Services when it gets handed over. However, we will be pursuing it with whatever is the appropriate authority.

Thirdly, I want to remark on a trend that I think I am observing. I want to check it out. There have been a number of occasions, I have noted, where I have stumbled, by accident, across community events that involve the government where I certainly have not been invited and I gather that the opposition has not been invited. One was the opening of the Griffin Centre. Another was the opening of the new police station. I am not sure about the bicycle racks on buses today.

I do understand it is the prerogative of the government to decide whom it invites to events. I found out about a number of these events through the community organisations that were involved, but it does concern me that people speaking at these events might then say, "The Liberals weren't here," or, "The Greens weren't here," with the implication that they do not care.

I encourage a tripartisan approach. It would be quite a good practice. I like to invite everyone to events that I host. I do not host the number that the government hosts but it is a practice that I believe existed in the Assembly. It is probably a feature worth continuing.

Question resolved in the affirmative.

**The Assembly adjourned at 4.59 pm until Tuesday, 22 November 2005, at 10.30 am.**

## Schedules of amendments

### Schedule 1

#### Emergencies Amendment Bill 2005

##### Amendments moved by Mr Pratt

**1**

**Clause 10**

**Section 75 (1) (b)**

**Page 4, line 24—**

*substitute*

- (b) inviting interested people to give written comments about the draft plan to the authority at a stated address during a stated period ending at least 28 days after the end of the period mentioned in paragraph (a).

**2**

**Clause 12**

**Sections 78 and 79**

**Page 5, line 26—**

*omit*

subsections 78 (2), (3) and (4)

*substitute*

- (2) The person must give the authority a draft bushfire operational plan for the area in accordance with the strategic bushfire management plan by no later than 1 June of the year required for submission or review.
- (3) The authority is required to-
- (a) approve the draft bushfire operational plan for the area; or
- (b) approve the draft plan for the area with stated amendments; or
- (c) decide not to approve the draft plan.
- (4) The authority is required to approve or reject in writing a draft bushfire operational plan with or without amendments within 90 working days of its submission to the authority.

**3**

**Proposed new Clause 12A**

**Section 84**

**Page 6, line 12—**

<b>12A</b>	<b>Fire Fuel Reduction Section 84</b>
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*insert*

- (2) The Authority may, at any time in accordance with the strategic bushfire management plan and the Environment Protection Act 1997, direct the land manager of unleased Territory land and/or owners of land within a bushfire abatement zone to allow the relevant authorities to light a controlled fire and take other appropriate clearing actions for the purpose of reducing the risk of bushfire or the spread of bushfire.

## Schedule 2

### Domestic Animals (Cat Containment) Amendment Bill 2005

#### Amendments moved by the Minister for Urban Services

**1**

**Clause 2**

**Page 2, line 5—**

*omit clause 2, substitute*

**2**

#### **Commencement**

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

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## Answers to questions

### Capital works—expenditure (Question No 521)

**Mr Smyth** asked the Minister for Health, upon notice, on 24 August 2005:

- (1) Does it state in the 2004-05 March Quarterly Capital Works Progress Report that the year-to-date expenditure on 'Stroke Unit – Level 7' was \$50 000 but in the column 'total expenditure to date' this figure of \$50 000 does not appear; if so, is this an error in the report or is there some other explanation as to why that \$50 000 does not appear in the total expenditure column;
- (2) Does this mean there is also an error with the outstanding authorisation figure of \$130 000 and should this figure actually read \$80 000 or is there some other explanation as to why the outstanding authorisation is still \$130 000.

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

- (1) There was an error in the March Quarter Report. The figure of \$50,000 for the Stroke Unit was not transferred across to the Total Expenditure Column which should have shown \$50 000 total expenditure against this project at that time. This has been corrected to ensure the issue does not occur in the June Quarterly Report.
- (2) Had the reported year to date expenditure been correct as at 30 March 2005, the outstanding authorization would also have been correct and shown the sum of \$80,000.

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### Health—complaints (Question No 587)

**Mrs Burke** asked the Minister for Health, upon notice, on 20 September 2005:

What is the usual length of time for a complainant to wait to receive an initial response from the Health Complaints Commissioner.

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

A complainant will usually receive an initial response from the Community and Health Services Complaints Commissioner's office within one week of the complaint being received.

If the Member were concerned about any particular case, the Commissioner has indicated that he would be glad to receive a representation on behalf of any constituent(s) and to review any matter where there may have been a lack of adherence to the time frame outlined above.

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### Disabled persons—services (Question No 589)

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 20 September 2005:

- (1) Does a person with a disability who is receiving community health care have any say in their individual case; if so, how does this process work;
- (2) Why isn't the patient informed of the reasons for the decisions being made for his or her care before the decisions are made and what notice is given that such changes will be occurring;
- (3) Why are some quadriplegics being afforded daily bowel care and others denied this service.

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

- (1) Clients with a disability, and their advocates as appropriate, are involved in the development of their individual care plan. Often a client with a disability has complex care needs and requires multiple service providers. The care plan is developed in consultation with the client and all service providers that are involved in providing care.

Community Health operates within a clinical governance framework and has a duty of care to provide safe and appropriate services. The care plan is goal oriented, focuses on the client's health needs and is developed on evidence-based practice. If the client has complex care needs a general practitioner and if necessary medical specialists will oversee their care. When agreement is reached, a care plan is documented and signed by the client. For clients with complex needs, a case conference involving all service providers may be organised to facilitate this process.

- (2) All clients receiving services in Community Health are informed of, and involved in decision making processes that affect their care. Care plans are reviewed routinely every 3 months, or sooner if required with the client, their advocates (as appropriate) and all service providers involved in the care plan, to ensure that appropriate care is continually being provided maintained and monitored. If changes are required the rationale for these changes are explained and discussed with the client. When agreement is reached, a new care plan is written and signed by the client. For clients with complex needs, a case conference may be organised to facilitate this process.
- (3) Quadriplegic clients have complex care needs and as such have a care plan that is appropriate for their individual care needs. ACT Health has a duty of care to provide safe and appropriate care so the frequency of the provision of bowel care is influenced by what care is safe and appropriate for each individual client.

The frequency of the provision of bowel care is part of the care planning process and is undertaken in partnership with the client, community health staff providing the bowel care, the GP and may require expert advice from an individual specialist or specialist service. Again, for clients with complex needs, a case conference may be organised to facilitate this process.

### **Arts and letters—policy (Question No 590)**

**Mr Mulcahy** asked the Minister for Arts, Heritage and Indigenous Affairs, upon notice, on 20 September 2005:

- (1) How many submissions were made to the “Discussion Paper for an ACT Government Public Art Policy”;
- (2) What issues were raised in these submissions;
- (3) Noting that submissions for this discussion paper closed on Friday, 8 October 2004, what further work has been undertaken to prepare a public art policy taking these submissions into consideration;
- (4) Has a Public Art Policy been prepared or is it in the preparation phase;
- (5) Noting the Government’s commitment in the social plan to “Implement a Public Art Policy to ensure our public art collection is maintained and further developed”, when will the public art policy be released publicly and implemented;
- (6) What are the reasons for the delay in preparing and implementing this policy, given that submission to the discussion paper closed almost 12 months ago and that the policy was due to be released late in 2004.

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

- (1) Eight submissions were made and a range of responses recorded at a public forum and at meetings with professional associations.
- (2) Submissions were generally supportive of the Government taking a more strategic approach to public art in the ACT including:
  - a. development of broad-brush public art plan for the ACT;
  - b. the incorporation of public art into Government capital works projects;
  - c. encouraging private sector investment in public art; and
  - d. caring for the existing collection.
- (3) The Public Art Policy is in the preparation phase.
- (4) The Public Art Policy is in the preparation phase.
- (5) A number of changes have already been implemented as a result of the policy development process. For example, these changes include:
  - making the ACT Government’s public art collection available online at [www.arts.act.gov.au](http://www.arts.act.gov.au);
  - publishing a comprehensive walking guide to public art in Civic;
  - planning for one or more iconic artworks or ‘city markers’ for Canberra;
  - commissioning a number of significant public artworks including one that will acknowledge the Ngunnawal people, the traditional owners of the ACT Region;
  - the inclusion of public art in a number of major Government capital works projects including the ACT Library and Link Project, Gungahlin Drive Extension, and the ACT Prison; and
  - planning for refurbishment of some of our city’s most valued art works.

The Public Art Policy will be released within the next twelve months.

- (6) This significant policy will have a lasting impact on the face of our city and on how our local places are perceived by residents and visitors for decades to come. The policy is

likely to effect capital works processes Government-wide and may also have some implications for the private sector.

These factors have meant that the Policy development process has required a greater level of planning and development than was initially envisaged.

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### **Prisons and prisoners—welfare workers (Question No 592)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 20 September 2005:

- (1) Are there any plans, in the development of a prison for Canberra, to make welfare workers sign confidentiality agreements;
- (2) Are there any plans to allow such an agreement to empower the Prison Service with the right to ban welfare workers from speaking to the media.

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

- (1) I am assuming that this question refers to welfare workers employed by Corrective Services, rather than to community volunteers who may be involved in providing services to the prisoners.

All Corrective Service employees are bound by a duty of confidentiality that is part of their conditions of employment with the ACT Public Service.

They are prevented from disclosing information about operational matters which might prejudice the health, safety or welfare of any individual living or working in or visiting the prison, or that might jeopardise the security of the prison.

The *Public Sector Management Act 1994*, Part 2, Section 9 (m) and (n) outlines the general obligations of public sector employees in relation to information acquired in the course of their employment.

The information privacy principles as outlined in the *Privacy Act 1988* (Cwlth), Division 2, Section 14 prohibit public sector employees from disclosing information about individual prisoners that enables them to be identified.

- (2) All staff, including welfare workers and volunteers will be prevented from disclosing to the media matters that might contravene the *Privacy Act 1988* (Cwlth) or the *Public Sector Management Act 1994*.
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### **Women—leadership program (Question No 594)**

**Mr Stefaniak** asked the Minister for Sport and Recreation, upon notice, on 20 September 2005:

- (1) How many women participated in the “Against all Odds: Effective Women Leaders” program workshop in late June;

- (2) How many women are (a) now participating in the ongoing mentoring program and (b) currently occupying a senior leadership role within the sport and recreation industry, available to assist with the mentoring program, whereby each participant in the mentoring program is linked to a senior female sports official;
- (3) What funding is available for this program;
- (4) Is the funding for this program one off or will it be a permanent program;
- (5) How long will the current program run for and when would a second, if any, such program commence.

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

The program in question is not a government program but rather has been delivered by ACTSPORT. This response has been prepared from information provided by them.

- (1) 21 women.
- (2) (a) 20 plus six mentors  
(b) No participants currently hold senior leadership role. The criteria to enter the program were determined to be less than four years work experience in the sports industry.
- (3) Total cost was \$12,000 - \$5,000 was provided by the Australian Sports Commission with the rest of the costs covered by participants.
- (4) Funding is one off but ACTSPORT will seek funding to conduct the program every 2 – 3 years.
- (5) Program formally ends in December 2005. A new program may be planned for three years time.

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### **Canberra Hospital—Ronald McDonald family room (Question No 602)**

**Mrs Dunne** asked the Minister for Health, upon notice, on 20 September 2005:

- (1) Why was the Ronald McDonald Family Room at The Canberra Hospital closed for three months;
- (2) What sparked the prompt reopening of the Family Room;
- (3) What was the total amount of funds provided by McDonald's to fund the establishment of this room;
- (4) What other services are provided at The Canberra Hospital for parents who need to stay with their children while being treated in the paediatric ward;
- (5) Will the Government look at improving services to families who wish to stay with their children while being treated in the Paediatric Ward; if so, how; if not, why not.

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

- (1) Ronald McDonald Parent Accommodation at The Canberra Hospital (TCH) was officially opened by the Governor General's wife, Her Excellency Mrs Marlena Jeffery on 3 June 2005. This date was chosen in conjunction with Mrs Jeffery's timetable and was dependent on her availability.

Ronald McDonald Parent Accommodation was open to parents on 25 August 2005 following commissioning of the refurbished Paediatric Ward and the development of operational protocols and standards to ensure the proper use of the facility as agreed with Ronald McDonald Charities.

- (2) The Ronald McDonald Family room became available for use on 25 August 2005 when operational and management issues in relation to access were solved. Parents started utilising this facility from 26 August 2005.
- (3) The total amount of funding promised by Ronald McDonald Charities for the Ronald McDonald Family Room at TCH is \$280,000.
- (4) Other services provided at TCH for parents who need to stay with their children while being treated in the Paediatric Ward include:
  - sofa beds; they are available for parents to stay with their children in their room on the Paediatric Ward; and
  - accommodation in the Hospital Residences is available to parents.
- (5) Current services provided to families who wish to stay with their children while being treated in the Paediatric Ward are of a very high standard. Continuous service improvement is essential in every health facility and the Paediatric Unit will continue to review, evaluate and improve the services provided.

### **Children—abuse (Question No 604)**

**Mrs Dunne** asked the Minister for Children, Youth and Family Support, upon notice, on 20 September 2005:

- (1) How many additional staff have been recruited within family services as part of the recruitment drive to ensure our child protection system works more effectively;
- (2) How many staff working in this area have been recruited from overseas;
- (3) Is recruitment ongoing or is there now a sufficient level of staff to cater for the workload and continuing increase in child abuse reports in child protection;
- (4) How many child abuse cases in (a) 2004-05 and (b) 2005-06 to date have been referred to the Community Advocate;
- (5) Has the Community Advocate raised any further concerns about non-compliance with the *Children and Young People Act 1999*; if so, what are the concerns and through what means were they raised;

- (6) What is the Government doing to address the increasing number of child abuse reports in terms of (a) handling those complaints and (b) reducing the number of complaints.

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

- (1) 66.
- (2) 36 additional staff have been recruited from overseas. As at 26 September 2005, there were twenty-six new recruits from overseas employed by the Department. A further 10 are expected to arrive in Australia by the end of 2005.
- (3) By the end of 2005 it is anticipated that there will be adequate staffing levels in Care and Protection Services.
- (4) Between 1 July 2004 to 30 June 2005 there were 1,031 Child Protection Reports which were sent to the Community Advocate pursuant to s162 (2) of the *Children and Young People Act 1999*. From 1 July 2005 to 20 September 2005 there have been 273 section 162(2) reports forwarded to the Community Advocate.
- (5) In 2004-05, the issue of the timeliness of reports by the Office was raised by the Community Advocate.

This has been addressed by OCYFS through a revision to the format of section 267 reports. It is expected that timeliness of these reports will improve over the next reporting period.

- (6) The answer to this question is contained in the second 6 monthly status reports on the implementation of the recommendations of the Territory as Parent and Territory's Children reports table in the Legislative Assembly on 23 August 2005.

The Office funds a range of early intervention and prevention programs, which are aimed at reducing rates of child abuse in the Territory. Of note, are the ParentLink Campaign, the Schools as Communities Program, the Child and Family Centres and various Family Support programs. The Office also works in collaboration with a range of government and non-government service providers to assist families to address other associated issues such as domestic violence services, drug and alcohol services and mental health services.

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### **Suicide prevention (Question No 607)**

**Mrs Burke** asked the Minister for Health, upon notice, on 21 September 2005:

What outcomes have been achieved in relation to suicide prevention from the funding that has been given to Health First during (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005 and (e) 2005-2006 to date.

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

Health First uses computer-aided guidelines to assist its operators, all of whom are registered nurses, in dealing with callers.

There are currently approximately 100 of these guidelines used for the assessment of people with mental health concerns, most of which help the nurse to identify any suicidal thoughts on the part of the caller. Where suicidal thoughts are identified, the guidelines lead to a recommendation for emergency treatment.

Health First has in place a "Mental Health Crisis" policy, which states that, where a caller expresses suicidal thoughts, has a suicide plan and a means to carry out that plan, referral to emergency services (Police, Mental Health Services, Ambulance Services) is mandatory. All such calls are transferred to the Mental Health Crisis Line.

Calls to Health First are not specifically recorded as suicidal calls, except in cases where the guideline "Suicidal, Homicidal or Harmful Behaviour" is used. All mental health-related calls, including suicidal calls, make up less than 1% of calls to Health First. The last 12 months of operation have seen the "Suicidal, Homicidal or Harmful Behaviour" guideline used 25 times out of a total of 29,775 assessments performed; this constitutes 0.084% of all assessments.

### **Health—cancer cases (Question No 612)**

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

- (1) What is the Government doing to address a forecast sharp increase in new cancer cases, given the Australian Institute of Health and Welfare prediction of a 31% increase in cases from 2001 to 2011;
- (2) What services are available for older Canberrans to detect new cases of cancer;
- (3) Does the ACT have access to a Surgical Gamma Probe that allows doctors to clearly identify a patient's lymph nodes and glands with cancerous cells; if so, what is the rate of use of this piece of equipment; if not, why not and would the Government consider the purchase of such equipment for cancer detection and treatment in Canberra;
- (4) Will the Government recruit additional staff to work in the breast screening area to ensure (a) the participation rate for women aged 50 to 69 increases (b) the number of clients screened meets the budget target and (c) women who require assessment receive an appointment within 14 days; if not, why not; if so, when does the Minister expect to have additional staff recruited.

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

- (1) The Capital Region Cancer Service (CRCS), the cancer stream for the ACT and part of the Greater Southern Area Health Service (GSAHS), is currently developing a Cancer Services Plan which will identify service priorities for the stream.

Cancer Services received an additional \$ 750,000 recurrent funding in the 2005/06 Territory budget and this has enabled the service to advertise for an additional staff specialist in haematology, an intake officer and four new care co-ordinator positions as well as providing additional funds for chemotherapy. These new positions and the additional funds for chemotherapy will enable more patients to receive chemotherapy than previously.

The number of Radiation Therapists has now reached establishment and an extra 1.6 Radiation Oncologists are about to be employed.

- (2) The ACT participates in the national breast cancer and cervical screening programs. A trial of bowel screening is about to commence under the control of the Australian Government.

These programs target asymptomatic patients. Symptomatic patients are encouraged to visit their General Practitioner for appropriate advice.

- (3) The ACT already has access to several gamma probes. Two probes are available at Calvary, one at John James Hospital. The availability of these probes in the ACT has enabled ACT surgeons to perform sentinel lymph node biopsies, which are associated with a reduced level of complications than traditional methods. The probes are used during surgery for breast cancer in the ACT on women who have been assessed as clinically suitable.
- (4) BreastScreen ACT is currently examining ways to increase efficiency in BreastScreen and lead to a greater number of women in the target age group being screened. Current throughput indicates that ACT will meet its target for 2005-06.

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### **Healthpact Research Centre (Question No 613)**

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

- (1) What is the total amount of annual funding available to the Healthpact Research Centre to award research scholarships;
- (2) What are the recurrent costs of operation of the Healthpact Research Centre;
- (3) How many scholarships (a) is it anticipated will be awarded annually and (b) have been awarded to date and for what purpose;
- (4) How many requests for scholarships have been made and of those requests how many applicants were successful.

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

- (1) The Healthpact Research Centre for Health Promotion and Wellbeing will award \$16,000 in 2006 and \$16,000 in 2007 to research scholarships. Overall \$227,000 will be allocated to grants, visiting fellows, scholarships and research support.
- (2) The recurrent cost of operation for 2005-07 is \$710,499. Healthpact is contributing \$610,500 and University of Canberra is contributing \$99,999. It is planned that the Center will also generate funding through successful research and evaluation applications.
- (3) These would amount to 1 scholarship worth \$16,000 or 2 worth \$8,000 in both 2006 and 2007. The projects must fit within the Center's aims and priority research and evaluation areas.

- (4) The scholarships will not be offered until 2006 and therefore no applications have been submitted to the Center to date.

**Health—childhood obesity  
(Question No 614)**

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

- (1) What is the current rate of childhood obesity in the ACT;
- (2) How does this figure compare to the results for the previous five years;
- (3) What is the Government currently doing to reduce childhood obesity;
- (4) Given that the NSW Government recently announced details of a multi-million dollar obesity prevention trial, has the Minister looked at the details of this trial;
- (5) Would the ACT Government consider implementing a similar trial locally; if so, when; if not, why not.

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

- (1) There is limited reliable data available on the prevalence of obesity in children and young people less than 18 years of age residing within the ACT. The development of appropriate childhood overweight and obesity surveillance and monitoring mechanisms is in progress. (see below answer to Question 3).

Unpublished data from the ACT Kindergarten Health Screen suggest that 12 per cent of boys aged up to 6.5 years were overweight and four per cent were obese in 2004. 14 per cent of girls aged up to 6.5 years were overweight and four per cent were obese in 2004.

- (2) Unpublished trend data is only available over a four-year period from 2001 to 2004. Over the four year period there has been:
  - a two per cent increase in overweight for ACT kindergarten boys aged up to 6.5 years; and
  - a two per cent decrease in obesity for ACT kindergarten girls aged up to 6.5 years.
- (3) ACT Health established in 2004 an ACT *Government Obesity Leadership Group* to coordinate across government healthy weight initiatives, particularly the implementation of initiatives funded in the ACT Budget 2004-05.

In the ACT Budget 2004-05, ACT Health was allocated \$2m over 4 years for Combating Childhood Obesity projects including:

- Monitoring and surveillance;
- Family Weight Management Program;
- Expanding the Tuckatalk in Schools Program;
- Healthpact - Health Promoting Schools Vitality Funding Round; and
- Implementation of the National Obesity Action Plan.

Additionally, in the 2004-05 ACT Budget, the ACT Department of Education and Training (DET) was allocated \$939,00 over four years for:

- Promoting Healthy Students: Improving nutrition and promoting healthy lifestyles;
- Expanding school's access to expertise in food and nutrition education, physical activity, health and physical education including dance, circus, gross motor programs and a diverse range of physical activity;
- Providing professional learning programs on nutrition and physical activity to teachers and members of the school community;
- Developing and implementing the ACT Department of Education and Training School Canteen Accreditation Program;
- Trial and implement a process for primary schools to monitor the health and physical activity of students.

Sport and Recreation ACT began *Kids at Play* in Oct 2004.

- (4) In August 2005 the NSW Minister for Health announced that NSW will undertake an obesity prevention trial at a cost of \$7.5million over five years. This trial to be implemented by the Hunter New England Area Health Service, would focus on overweight and obesity in children and young people aged between 0 to 15 years. This and similar research currently being undertaken across Australia is linked to the strategic work of the National Obesity Taskforce, a committee of the Australian Health Ministers Conference. The ACT is represented on the Taskforce and will be involved in discussion on reviewing best approaches and future directions.
- (5) The ACT Government will consider the outcomes of the NSW trial and other research that assesses the effectiveness of interventions aimed at reducing childhood obesity. The ACT already has in place a number of strategies to address overweight and obesity in the ACT.

### **Cigarettes and tobacco—legislation (Question No 615)**

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

Has the Government reviewed the Territory's smoking legislation, in particular recently enacted laws that allow smoking in partially enclosed restaurants and taverns; if so, what are the findings of that review; if not, why not and when will the laws be reviewed.

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

In 2003, the Assembly enacted the *Smoking (Prohibition in Enclosed Public Places) Act 2003*, which prohibits smoking in all enclosed public places. When key provisions of this legislation take effect on 1 December 2006, the current *Smoke-free (Enclosed Public Places) Act 1994* will no longer be in effect, including the provision which allows for an 'exemption system' for restaurants and licensed premises to permit smoking in parts of their indoor areas.

The Regulation under the *Smoking (Prohibition in Enclosed Public Places) Act 2003* provides comprehensive definition of 'enclosed'. The Regulation, which is currently before the Assembly, states that a public place is 'enclosed' if it has an overhead cover and is 75% or more enclosed by walls and the overhead cover. Under this definition, a public place

which is 'unenclosed' by more than 25% would not be subject to the requirements of the legislation.

It would be premature to review this legislation before it takes effect at the end of 2006. The Government is committed to working with unions, employers and health groups in a cooperative manner to ensure that we achieve smoke-free enclosed public places and that the legislation is communicated and implemented effectively.

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### **Health—population growth (Question No 616)**

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

- (1) Is the Minister aware that the Greater Southern Area Health Service has held meetings to ensure it can stand up to projected population growth over the next five years in the south-east;
- (2) Is the ACT undertaking any similar research work to ensure the ACT's health system can stand up to population growth in the future; if so, when did or will this work commence and will the Minister release the information received publicly; if not, why not, and will he consider undertaking such research;
- (3) Has the Government undertaken any research work to see what impact population growth in the south east will have on the ACT health system;
- (4) Will the Minister be speaking to his colleagues in NSW to ensure a better deal is delivered to the ACT in terms of cross border payments for health in light of population growth in the south east.

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

- (1) Yes.  
As the basis for future planning, I am aware that the Greater Southern Area Health Service has held meetings to ensure it can stand up to projected population growth. Their Clinical Services Plan is currently being developed.
  - (2) In 2004, ACT Health initiated the development of a Clinical Services Plan that provides the framework for the development and provision of public hospital and community health services for the people for the ACT up to 2011. The draft plan has been made available to the public.
  - (3) Yes.  
The development of the ACT Health Clinical Services Plan has related analysis of both population projections for south-eastern NSW and the activity flow reversal strategies planned by GSAHS.
  - (4) Discussions have taken place and departmental level meetings have been scheduled to progress the Crossborder Hospital Services Agreement between ACT and NSW. These discussions are ongoing.
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### Hospitals—psychiatric services (Question No 617)

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

What was the total budget overrun for the project listed as “Extension of Psychiatric Secure Unit” valued at \$1 million in the 2004-05 Capital Works budget, given that there is a discrepancy in the figures you provided in response to question on notice No 509 where you stated an \$80 000 budget overrun and in response to question on notice No 471 where you indicate the budget overrun is \$248 554.

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

Funding for the extension of the Psychiatric Secure Unit was provided in two parts. In 2003-04 an amount of \$0.350m was approved and further funding of \$1.0m was approved for 2004-05. The total project budget to undertake the works therefore was \$1.350m.

The year to date expenditure figure of \$1.248m provided in response to your Question (No. 471) on 17 August 2005 related to the combined Project funding of \$1.350m.

Final expenditure on the extension of the Psychiatric Secure Unit is expected to be \$1.430m. This represents a budget overrun of \$0.080m.

### Hospitals—psychiatric services (Question No 618)

**Mr Smyth** asked the Minister for Health, upon notice, on 21 September 2005:

How many people (a) below the age of 16, (b) between the ages of 16 and 18 years, (c) between the ages of 18 and 25 years, (d) classified as adults and (e) classified as elderly, were admitted to the Psychiatric Services Unit at The Canberra Hospital each month in the financial years (i) 2004-05 and (ii) 2005-06 to date.

**Mr Corbell:** The answer to the member’s question is provided in the attached matrix.

**Persons admitted to the Canberra Hospital Psychiatric Services Unit by age and month from July 2004 to date**

AGE	July 2004	Aug 2004	Sept 2004	Oct 2004	Nov 2004	Dec 2004	Jan 2005	Feb 2005	Mar 2005	April 2005	May 2005	June 2005	July 2005	Aug 2005	Total
<16	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3
16-18	3	3	1	6	3	2	3	2	7	4	2	7	4	0	43
18-25	15	16	10	20	10	12	13	10	14	10	12	19	17	10	161
18-64	57	72	61	61	61	60	49	46	49	54	53	55	61	67	678
65+	1	1	1	1	3	4	1	3	3	1	3	2	1	2	26

Adults are classified as persons aged 18 and above for all acute hospital admissions.

The age group 18-64 above includes the data in the 18-25 age group.

### Motor vehicles—home-garaged (Question No 626)

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

- (1) ACT Planning and Land Authority – 17  
Land Development Agency – 2
- (2) ACT Planning and Land Authority – 11<sup>1</sup>  
Land Development Agency – 1
- (3) (a) ACT Planning and Land Authority – 6  
(the primary reason for home garaging is due to the lack of secure overnight parking at Dame Pattie Menzies Building).  
Land Development Agency – 1
- (b) & (c) ACT Planning and Land Authority – see table below

Suburb in which vehicle garaged	(i) Kilometres travelled to/from home in week commencing 19 September 2005	(ii) Kilometres travelled for work purposes in week commencing 19 September 2005
Melba	28	191
Bungendore <sup>2</sup>	602	253
Melba	129	120
Fadden	226	397
Kambah	141	368
Bruce	110	280

Land Development Agency  
(b) O'Connor; (c) (i) 43 km; (ii) 407 km

<sup>1</sup> vehicles are home-garaged by plumbing and electrical inspectors who commence their work day from home and are on call to attend emergencies.

<sup>2</sup> short term arrangement to cover the absence of the manager. This arrangement has now ceased

### **Motor vehicles—home-garaged (Question No 627)**

**Mrs Dunne** asked the Minister for Education and Training, 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.

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

- (1) 38  
 (2) 3  
 (3)  
 (a) 35
- (b) Bonython 1, Braddon 2, Bruce 1, Chifley 1, Cook 2, Deakin 1, Fadden 1, Farrer 1, Florey 2, Flynn 1, Fraser 1, Gordon 2, Gowrie 2, Hackett 1, Isabella Plains 1, Jerrabomberra 1, Kaleen 1, Kambah 7, Latham 1, Lyneham 1, Melba 1, Ngunnawal 2, Nichols 1, Pearce 1, Scullin 1, Tidbinbilla 1, Wanniasa 1, Watson 1, Weetangera 1.
- (c) (i) 240, 93, 117, 162, 309, 178, 96, 50, 118, 75, 55, 85, 78, 30, 333, 50, 60, 159, 168, 122, 91, 106, 126, 157, 205, 85, 361, 93, 40, 218, 130, 79, 113, 36, 43.  
 (ii) 109, 206, 240, 676, 248, 287, 325, 217, 328, 362, 198, 599, 196, 68, 291, 143, 91, 84, 77, 124, 143, 236, 157, 153, 143, 209, 294, 197, 68, 176, 239, 306, 141, 331, 139.

### **Environment and conservation—noise complaints (Question No 631)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 21 September 2005:

- (1) How many noise complaints were received by the Environment Protection Authority (EPA) in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (2) What is the breakdown of reasons for complaints received by the EPA in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (3) What is the breakdown, by suburb, of complaints received by the EPA in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (4) How many warnings were issued by the EPA in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (5) What is the breakdown of reasons for warnings issued by the EPA in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (6) What is the breakdown, by suburb, of warnings issued by the EPA in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;
- (7) How many court actions were issued against noise polluters in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date;

- (8) How many noise complaints have been received from residents in town centre apartment buildings about construction noise in (a) 2003-2004, (b) 2004-2005 and (c) 2005 to date.

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

- (1) The number of noise complaints received by the Environment Protection Authority in:
- (a) 2003-2004 was 399
  - (b) 2004-2005 was 368; and
  - (c) 2005 to date is 92.
- (2) Noise complaints received by the Environment Protection Authority are not categorized by the particular source of noise.
- (3) Records of the suburbs from which complaints were received by the Environment Protection Authority in (a) 2003-2004; (b) 2004-2005 and (c) 2005 to date are set out in Attachments 1, 2 and 3 respectively
- (4) The Environment Protection Authority in:
- (a) 2003-2004 issued 19 warnings about excessive noise;
  - (b) 2004-2005 issued 30 warnings about excessive noise; and
  - (c) 2005 to date has issued 7 warnings about excessive noise.
- (5) The reasons for the warnings issued by the Environment Protection Authority for emitting excessive noise in (a) 2003 –2004; (b) 2004 – 2005 and 2005 to date are at Attachments 4, 5 and 6 respectively.
- (6) The breakdown, by suburb, of warnings issued by the Environment Protection Authority for emitting excessive noise in (a) 2003 –2004; (b) 2004 – 2005 and 2005 to date are at Attachments 7.
- (7) In the year
- (a) 2003-2004 there was one Court action against a noise polluter;
  - (b) 2004-2005 there were no Court actions against a noise polluter; and in
  - (c) 2005 to date there has been no Court actions against a noise polluter.
- (8) The number of complaints received by the Environment Protection Authority, about construction noise, from residents in town centre apartment buildings in
- (a) 2003-2004 was zero;
  - (b) 2004-2005 was 5; and
  - (c) 2005 to date is zero.

#### ATTACHMENT 1

##### 2003-2004

SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
ACTON	1	FYSHWICK	5	MELBA	3
AINSLIE	4	GARRAN	1	MITCHELL	1
AMAROO	6	GILMORE	1	MONASH	4
BANKS	3	GIRALANG	3	NARRABUNDAH	6
BARTON	2	GORDON	7	NGUNNAWAL	11
BELCONNEN	12	GREENWAY	1	NICHOLLS	7
BONYTHON	2	GRIFFITH	7	O'CONNOR	7
BRADDON	4	GUNGAHLIN	3	O'MALLEY	1
BRUCE	1	HACKETT	3	PAGE	2

CALWELL	2	HALL	1	PALMERSTON	6
CAMPBELL	3	HAWKER	7	PEARCE	2
CANBERRA CITY	19	HIGGINS	6	PHILLIP	4
CHAPMAN	2	HOLDER	3	PIALLIGO	1
CHARNWOOD	4	HOLT	4	QUEANBEYAN	1
CHIFLEY	3	HUGHES	3	RED HILL	4
CHISHOLM	2	HUME	6	REID	2
CONDER	9	ISAACS	2	RICHARDSON	12
COOK	1	ISABELLA PLAINS	3	RIVETT	4
CURTIN	4	JERRABOMBERRA	2	SCULLIN	2
DEAKIN	5	KALEEN	8	SPENCE	2
DICKSON	3	KAMBAH	27	STIRLING	1
DOWNER	2	KINGSTON	5	SUTTON	1
DUFFY	6	LATHAM	2	SWINGER HILL	1
DUNLOP	6	LYNEHAM	7	THEODORE	2
EVATT	4	LYONS	6	TUGGERNONG	2
FADDEN	5	MACARTHUR	4	TURNER	7
FARRER	5	MACGREGOR	1	WANNIASSA	8
FISHER	1	MACQUARIE	4	WATSON	12
FLYNN	3	MAJURA	6	WEETANGERA	1
FORREST	6	MAWSON	1	WESTON	5
		MC KELLAR	1	WODEN	2
				YARRALUMLA	5

## ATTACHMENT 2

## 2004-2005

SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
AINSLIE	6	FYSHWICK	6	MELBA	4
AMAROO	2	GARRAN	3	MITCHELL	7
ARANDA	1	GILMORE	3	MONASH	2
BANKS	4	GIRALANG	7	NARRABUNDAH	0
BARTON	3	GORDON	5	NGUNNAWAL	12
BELCONNEN	6	GOWRIE	3	NICHOLLS	1
BONYTHON	2	GRIFFITH	9	O'CONNOR	9
				OAKS ESTATE	1
BRADDON	10	GUNGAHLIN	3	O'MALLEY	1
				OXLEY	5
BRUCE	6	HACKETT	2	PAGE	1
CALWELL	4			PALMERSTON	2
CAMPBELL	3	HAWKER	2	PEARCE	2
CANBERRA CITY	11	HIGGINS	2	PHILLIP	2
CHAPMAN	5	HOLDER	1	PIALLIGO	0
CHARNWOOD	4	HOLT	6		
CHIFLEY	3	HUGHES	2	RED HILL	2
CHISHOLM	3	HUME	7	REID	3
CONDER	6			RICHARDSON	3
COOK	2	ISABELLA PLAINS	7	RIVETT	1
CURTIN	2			SCULLIN	3
DEAKIN	5	KALEEN	10	SPENCE	3
DICKSON	3	KAMBAH	20	STIRLING	1
DOWNER	3	KINGSTON	14	SWINGER HILL	2
DUFFY	11	LATHAM	3	THEODORE	2
DUNLOP	10	LYNEHAM	6	TUGGERNONG	1
EVATT	3	LYONS	3	TURNER	3
FADDEN	5	MACGREGOR	2	UNKNOWN	2
FARRER	1	MANUKA	2	WANNIASSA	12
FISHER	2	MAWSON	2	WATSON	6
FLOREY	4	MC KELLAR	1	WEETANGERA	1
FLYNN	3			WESTON	2
FORREST	1			WODEN	0
FRASER	1			YARRALUMLA	6

## ATTACHMENT 3

2005-2006

SUBURB	Number of Complaints	SUBURB	Number of Complaints	SUBURB	Number of Complaints
ACTON	0	FYSHWICK	0	MELBA	0
AINSLIE	1	GARRAN	1	MITCHELL	0
AMAROO	0	GILMORE	2	MONASH	2
BANKS	3	GIRALANG	0	NARRABUNDAH	1
BARTON	0	GORDON	3	NGUNNAWAL	0
BELCONNEN	2	GOWRIE	1	NICHOLLS	0
BONYTHON	0	GRIFFITH	1	O'CONNOR	1
BRADDON	5	GUNGAHLIN	0	O'MALLEY	1
BRUCE	0	HACKETT	0	PAGE	0
CAUSEWAY	1	HALL	0	PALMERSTON	0
CAMPBELL	0	HAWKER	2	PEARCE	0
CANBERRA CITY	3	HIGGINS	0	PHILLIP	1
CHAPMAN	0	HOLDER	2	PIALLIGO	1
CHARNWOOD	0	HOLT	2	QUEANBEYAN	0
CHIFLEY	1	HUGHES	0	RED HILL	1
CHISHOLM	0	HUME	1	REID	0
CONDER	1	ISAACS	0	RICHARDSON	3
COOK	2	ISABELLA PLAINS	0	RIVETT	0
CURTIN	3	JERRABOMBERRA	0	SCULLIN	2
DEAKIN	1	KALEEN	1	SPENCE	0
DICKSON	2	KAMBAH	5	STIRLING	0
DOWNER	0	KINGSTON	5	SUTTON	0
DUFFY	0	LATHAM	3	SWINGER HILL	0
DUNLOP	2	LYNEHAM	4	TORRENS	1
EVATT	1	LYONS	0	TUGGERNONG	0
FADDEN	0	MACARTHUR	1	TURNER	0
FARRER	0	MACGREGOR	0	WANNIASSA	3
FISHER	0	MACQUARIE	4	WATSON	2
FLYNN	0	MAJURA	1	WEETANGERA	2
FORREST	0	MAWSON	0	WESTON	0
		MC KELLAR	1	WODEN	0
				YARRALUMLA	1

## ATTACHMENT 4

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2003 2004.

Suburb	Noise Source/Noise Type		
	Amplified Music	Building Work	Air conditioner/Fans/Heaters
Amaroo			2
Civic	2		
Conder			1
Downer	1		
Griffith			1
Kambah	3		
Kingston	1		
Lyons	1		
Ngunnawa	1		1
Nicholls	1		
O'Connor	1		
Wanniassa			1
Warramanga	1		
Yarralumla			1

**ATTACHMENT 5**

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2004-2005.

Suburb	Noise Source/Noise Type			
	Amplified Music	Building Work	Air conditioner/Fans/Heaters	Waste Collection
Ainslie	1			
Aranda		3		
Belconnen	1			
Chisholm	3			
Civic	1		1	
Dunlop	1			
Forrest	1	3		
Giralang	2			
Gordon	2			
Griffith Centre	1			
Hackett	1			
Hawker			1	
Higgins	1			
Kaleen			1	
Kambah				1
Lyons	1			
Monash	1			
O'Connor	1			
Page	1			
Wanniassa	1			

**ATTACHMENT 6**

Warnings issued by the Environment Protection Authority for emitting excessive noise and the noise source and suburb in which the noise emissions occurred in 2005-2006 to date.

Suburb	Noise Source/Noise Type		
	Amplified Music	Building Work	Air conditioner/Fans/Heaters
Amaroo	1		
Aranda		1	
Conder	1		
Hughes			2
Richardson	1		
Watson	1		

**ATTACHMENT 7**

Warnings issued by the Environment Protection Authority for emitting excessive noise and the number and suburb in which the noise emissions occurred.

SUBURB	01/07/2003 – 30/6/2004	01/07/2004 - 30/06/2005	01/07/2005 - 21/09/2005
AINSLIE		1	
AMAROO	2		1
ARANDA		2	1
BELCONNEN		1	
BRADDON		1	
CHAPMAN		1	
CHISHOLM		2	
CITY	2	2	
CONDER	1	1	1
DOWNER	1		
DUNLOP		1	

FORREST		2	
GIRALANG		2	
GORDON		2	
GRIFFITH	1	1	
HACKETT		1	
HAWKER		1	
HIGGINS		1	
HUGHES		1	2
ISABELLA PLAINS		1	
KAMBAH	3		
KINGSTON	1		
LYONS	1	1	
MONASH		1	
NGUNNAWAL	2		
NICHOLLS	1		
O'CONNOR	1	1	
O'MALLEY		1	
PAGE		1	
RICHARDSON			1
WANNIASSA	1	1	
WARAMANGA	1		
WATSON			1
YARRALUMLA	1		

### **Policing—schools (Questions Nos 632 and 633)**

**Mrs Dunne** asked the Minister for Education and Training (redirected to the Minister for Police and Emergency Services) and the Minister for Police and Emergency Services, upon notice, on 21 September 2005:

How many times in 2005 to date have police been called out to incidents of (a) violence and (b) property crime at ACT Government schools and to which schools.

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

Number of times police have attended incidents at ACT Government schools for (a) violence is 77 and (b) property crime is 177. ACT Policing has attended to incidents at the following ACT Government schools:

<b>School</b>
ALFRED DEAKIN HIGH SCHOOL
ARANDA PRIMARY SCHOOL
BELCONNEN HIGH SCHOOL
BONYTHON PRIMARY SCHOOL
CALWELL HIGH SCHOOL
CALWELL PRIMARY SCHOOL
CAMPBELL HIGH SCHOOL
CANBERRA COLLEGE (PHILLIP)
CANBERRA COLLEGE (STIRLING)
CANBERRA HIGH SCHOOL
CAROLINE CHISHOLM HIGH SCHOOL
CHARNWOOD PRIMARY SCHOOL
CHISHOLM PRIMARY SCHOOL
CONDER PRIMARY SCHOOL
CURTIN PRIMARY SCHOOL

<b>Schools (cont).</b>
DICKSON COLLEGE
ERINDALE COLLEGE
FADDEN PRIMARY SCHOOL
FARRER PRIMARY SCHOOL
FLOREY PRIMARY SCHOOL
FLYNN PRIMARY SCHOOL
FORREST PRIMARY SCHOOL
FRASER PRIMARY SCHOOL
GARRAN PRIMARY SCHOOL
GILMORE PRIMARY SCHOOL
GINNINDERRA HIGH SCHOOL
GOLD CREEK HIGH SCHOOL
GOLD CREEK PRIMARY SCHOOL
GORDON PRIMARY SCHOOL
GOWRIE PRIMARY SCHOOL
HOLT PRIMARY SCHOOL
HUGHES PRIMARY SCHOOL
ISABELLA PLAINS PRIMARY SCHOOL
KALEEN HIGH SCHOOL
KALEEN PRIMARY SCHOOL
KAMBAH HIGH SCHOOL
LAKE GINNINDERRA COLLEGE
LANYON HIGH SCHOOL
LATHAM PRIMARY SCHOOL
LYNEHAM HIGH SCHOOL
LYNEHAM PRIMARY SCHOOL
LYONS PRIMARY SCHOOL
MACGREGOR PRIMARY SCHOOL
MACQUARIE PRIMARY SCHOOL
MARIBYRNONG PRIMARY SCHOOL
MELBA HIGH SCHOOL
MELROSE HIGH SCHOOL
MONASH PRIMARY SCHOOL
MT NEIGHBOUR PRIMARY SCHOOL
NARRABUNDAH COLLEGE
NGUNNAWAL PRIMARY SCHOOL
RED HILL PRIMARY SCHOOL
RICHARDSON PRIMARY SCHOOL
RIVETT PRIMARY SCHOOL
STIRLING COLLEGE
STROMLO HIGH SCHOOL
TELOPEA PARK PRIMARY SCHOOL
THEODORE PRIMARY SCHOOL
TORRENS PRIMARY SCHOOL
TURNER PRIMARY SCHOOL
URAMBI PRIMARY SCHOOL
VILLAGE CREEK PRIMARY SCHOOL
WANNIASSA HIGH SCHOOL
WODEN SPECIAL SCHOOL
YARRALUMLA PRIMARY SCHOOL

Note: Based on the subset of incidents reported at schools, incidents of violence are defined as: Assault, Disturbance, Sexual Assault. Incidents of property crime are defined as: Burglary, Fire (structure, vehicle, other), Fraud, Property Damage, Robbery, Stolen Motor Vehicle, Theft.

### 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:

- (1) (a), (b) and (c) – ACT WorkCover does not collect such specific data.
- (2) ACT WorkCover receives reports, via the Injury and Dangerous Occurrence report forms, directly from agencies for incidents that are reportable under Section 204 of the OHS Act. These forms are used for public and private sector injuries, and describe the nature of the injury, the injured person, the employer and/or outcomes of the dangerous occurrence. Where required, these are investigated. The reports do not provide the level of detail to enable the ready identification of the information requested regarding the bullying of teacher by teachers. ACT WorkCover is investigating whether this information can be collected in future.

The Chief Minister's Department maintains a database of incidents reported to ACTPS employers under the Occupational Health and Safety Act 1989. This data records, for the Department of Education and Training, the following numbers of reported incidents related to "repetitive assault and/or threatened assault by a work colleague or colleagues or repetitive verbal harassment, threats, and abuse from a work colleague or colleagues":

(a) 2003-04	5
(b) 2004-2005	11
(c) 1 July 2005 – 31 August 2005	0

### Education—bullying (Question No 635)

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 21 September 2005:

- (1) How many complaints of bullying of teachers by teachers were made to the Department of Education and Training in (a) 2003-2004, (b) 2004-2005 and (c) 2005-to date;
- (2) What is the breakdown, by school, of complaints of bullying of teachers by teachers in (a) 2003-2004, (b) 2004-2005 and (c) 2005-to date;
- (3) If the Department of Education and Training does not collect such specific data, why not.

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

- (1) The department does not have aggregated data on complaints of 'bullying' of teachers by teachers, however the following are the recorded investigations into conduct that may be

considered as ‘bullying’:

- (a) 2003-2004 – 1 (one)
- (b) 2004-2005 – 0 (zero)
- (c) 2005 - to date – 0 (zero)

- (2) The department does not have aggregated data on complaints of ‘bullying’ of teachers by teachers and the breakdown of complaints by school.
  - (3) The department manages these matters through various mechanisms as appropriate for individual situations. Some matters are resolved at a local level, other matters are resolved by accessing the department’s Staff Equity Contact Officers (SECOs) and/or Employee Assistance Program (EAP), and other matters are referred to the department for a more formal investigation and resolution.
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### **Development—Kingston (Question No 639)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 21 September 2005:

- (1) In relation to the Land Development Agency (LDA) auction on 31 August 2005 and Block 1 Section 52 Kingston being passed in, (a) how many bids were received for the block at the auction, (b) what was the amount of the final bid, and (c) how many parties, if any, are currently in negotiations to purchase the block;
- (2) Does the failure of the sale of this block indicate that the market conditions for the ACT have changed in relation to multi-unit sites;
- (3) What impact will the failure of the sale of Block 1 Section 52 Kingston have on the expected dividend from the LDA to the Territory for 2005-06.

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

- (1) (a) 13  
(b) \$2.8m  
(c) 2
  - (2) While Block 1 Section 52 Kingston was not sold at the auction on 31 August 2005 and this may indicate that the market has changed in relation to multi-unit sites, LDA will continue to monitor the market to ensure that land releases are appropriately matched to market demand.
  - (3) While the expected revenues will be affected if Block 1 Section 52 Kingston is not sold, LDA has advised that the budgeted dividend to the Territory for 2005-06 will be met.
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### **Development—Amaroo (Question No 640)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 21 September 2005:

- (1) When will consultation begin with (a) residents on and near Mornington Street and (b) the Amaroo School in regards to the establishment of a fuel station adjacent/opposite their homes and school precinct on Block 1 Section 106;
- (2) Other than the proposed fuel station what else is planned for the currently vacant block on the corner of Horsepark Drive and Mornington Street.

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

- (1) Recently, a Development Application (DA) for the proposed fuel station and shop, which will form the first stage of the planned group centre, was lodged and advertised for public comment. Consultation on the development application was undertaken through the notification process. As required under the Land Act, the DA was advertised for public comment and no public submissions were received as a result of the advertisement.

The use of the site for a service station is consistent with the approved land use policy for the site.

The land surrounded by Mornington Street and Horse Park Drive in Amaroo was identified as a planned group centre in the North Gungahlin Structure Plan and associated Variation to the Territory Plan Number 130 for North Gungahlin. Extensive consultation was conducted on this Variation consistent with the statutory requirements for the administration of Variations under the *Land (Planning and Environment) Act 1991*. The Variation commenced in February 2004.

- (2) The current vacant block, other than block I, section 106, relates to the future Amaroo Group Centre. The land is 'defined land' on the Territory Plan.

It is envisaged that the remaining part of the block will be developed as a group centre once the suburbs to the north – Forde and Bonner – have been substantially developed. The actual makeup and layout of the future centre will not be determined until closer to this time. In the meantime, it is anticipated that the proposed service station will provide a local convenience retailing function, as well as providing an additional outlet for fuel in Gungahlin.

### **Health—emergency electroconvulsive therapy (Question No 644)**

**Dr Foskey** asked the Minister for Health, upon notice, on 21 September 2005:

- (1) If an application for an emergency electroconvulsive therapy order is made to the Mental Health Tribunal after 5 pm on a Friday afternoon and the Tribunal plans to hear the application over the weekend how will the (a) registrar notify the Public Advocate and (b) Public Advocate prepare for and participate in the hearing;
- (2) Is the Public Advocate required to be available outside normal business hours to participate in Tribunal processes;
- (3) What resources have been provided to the Office of the Public Advocate to operate outside normal business hours.

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

- (1) It is not the intention of the Emergency Electro-convulsive therapy amendment for Tribunal hearings to be convened out of hours. The intention of the amendment is that the Tribunal is able to convene the hearing more expeditiously than was previously allowed.

If an application for emergency Electro-convulsive therapy is sent to the Tribunal after 5:00pm on Friday evening the Registrar of the Tribunal will notify the relevant persons on Monday morning. The removal of the three-day notification period means the Tribunal can hear the matter that afternoon.

- (2) No.
- (3) The Community Advocate has in place processes for after hours emergencies that may arise across the areas of her responsibilities as outlined in the Advocate's governing legislation.

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### **Children—child care (Question No 646)**

**Dr Foskey** asked the Minister for Children, Youth and Family Support, upon notice, on 21 September 2005:

- (1) Does the ACT Government participate in a Childcare Planning Advisory Committee for the ACT and who are the other members of the committee;
- (2) Can the Minister provide data relating to supply and demand for child care services across the ACT;
- (3) Are reports of the Childcare Planning Advisory Committee Report made available to the public; if not, why not;
- (4) Does the ACT Government support a mix of providers in the delivery of child care in the ACT; if so, how does it support the participation of (a) non-profit organisations and (b) small businesses;
- (5) Has the ACT Government undertaken research and/or consultation in relation to workforce issues in the child care sector; if so, (a) what were the key findings of this work, (b) is a report available and (c) what has the Government done in response.

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

- (1) Yes. The Association of Long Day Care Directors, Community Child Care Federation of the ACT, ACT Family Day Care Association, ACT Government Children's Services, ACT Children's Service Association, and Outside School Hours Services Association of the ACT.
- (2) The Australian Government collects childcare data through the *Australian Government Census of Child Care Services*. The most recent report was released in 2004.
- (3) No, PAC minutes are not made available to the general public. As a PAC is a Commonwealth body your question should be directed to the Department for Family and Community Services.

- (4) Yes, ACT Government does support a mix of providers in the delivery of childcare in the ACT.
- (a) Not for profit community organisations are able to lease facilities at a peppercorn rental. In addition, the Government funds capital upgrades to these centres. In the 2004-05 financial year, the Government spent \$511,000 on capital upgrades. In 2002, the Government provided funds to build a new centre in Gungahlin, and funded the expansion of ACT government owned centres throughout 2003-04 to provide additional child care places. We are currently finalising the plans to rebuild the Weston Creek Child Care Centre that was destroyed by fire in 2003.
- (b) Private providers are able to purchase land and build centres, Children's Services staff provide advice on the design of centres and provide ongoing advice and guidance to ensure the services meet the required conditions. There are currently two private centres under construction, one at Conder due to open in November 2005 and the other at Symonston due to open in January 2006.
- (5) Yes the ACT Government released in February 2003 research undertaken in relation to workforce issues in the child care sector. In 2002, my Government commissioned the report to gather evidence in relation to the recruitment and retention of child care staff within the ACT.

The report titled *Australian Capital Territory, Child care Workforce Planning Project – 2002* was released in February 2003. The report contained recommendations related to training, recruitment and retention of staff in children's services.

The report highlighted a number of areas for action that need to be addressed by the Australian Government, employers and training institutions. I have written to these organisations making them aware of the report's recommendations and seeking their support.

As a result of the recommendations, negotiation by Community Health Works with Training and Adult Education and Vocational Education and Training Authority have seen a more flexible delivery of training, with an increase in New Apprenticeships commencements in children's services at a Diploma level. New Apprenticeships employer incentive payments are now available to employers of 'existing workers' undertaking a qualification of more than two years duration. Previously, existing workers have not been eligible for new apprenticeship.

The low status of child care professionals and the low pay rates has been addressed to an extent by the recent application by the Liquor Hospitality and Miscellaneous Workers Union in applying to the Industrial Relations Commission for an increase in the Child Care Award.

Ongoing consultation through regular meetings with the children's services sector provides opportunity to remain informed of workforce issues within the sector.

In 2003, the Childrens Services Working Group of the Community Services Ministers Advisory Council (CSMAC) were provided funding to undertake a National Project to examine approaches to National Workforce issues. A national survey was distributed to 100,000 services across Australia in September 2004 and the report is currently being finalised. A preliminary report was presented to CSMAC in October 2005. It is anticipated that this report will lead to further recommendations and strategies related to the retention, recruitment and training of staff working in the sector.

**Youth—council  
(Question No 647)**

**Dr Foskey** asked the Minister for Children, Youth and Family Support, upon notice, on 21 September 2005:

- (1) Can a copy of the Minister's Youth Council 2005-06 work plan be provided;
- (2) How many members make up the Youth Council;
- (3) What are the responsibilities of the Youth Council members;
- (4) On what dates has the Youth Council met so far in 2005;
- (5) What work has the Council predominately undertaken since January 2005;
- (6) What formal advice has the Council provided to the Minister for Children, Youth and Family Support since January 2005;
- (7) What was the ACT Government's response to the advice given.

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

- (1) A new Minister's Youth Council was formed from existing and new members on 19 July 2005, therefore a new work plan needed to be developed. The Council is in the process of finalising their new work plan for 2005-06, and a copy will be provided to Dr Foskey out of session.
- (2) There are currently 15 members on the Youth Council.
- (3) The roles and responsibilities of Council members as stated in their Terms of Reference are as follows:
  - To provide the Minister with direct and well informed advice on matters relating to young people.
  - To ensure that the diversity of young people's experiences and circumstances is reflected in advice to government.
  - To consult widely with young people in the ACT.
  - To attend Council meetings, training and development sessions and other relevant activities.
- (4) Since January 2005, both the former and new Councils have met formally five times on 21 February, 5 July, 2 August, 6 September and 20 September.
- (5) The former Council's work included taking a lead role in the organisation of the Australian Day 'Park Live 05 – Loud and Local' event and the Youth InterACT Conference 'SHOUT'. The Council provided advice on the ACT Youth Policy Group, Youth Week and Young Canberra Citizen of the Year, Youth Interact Grants and Scholarships.
- (6) The Council advised the Minister regarding applicants for the April round of InterACT Grants and Scholarships.

The Council advised the Minister regarding the selection of the Young Canberra Citizen of the Year Award recipients.

The Council provided the Minister with a copy of their Annual Report at their meeting on Tuesday 6 September 2005.

- (7) The Minister approved Youth InterACT Grants and Scholarships for the recommended applicants.

The Minister presented the Young Canberra Citizen of the Year Awards to the recommended recipients at a ceremony on 12 April 2005, during Youth Week. The Minister sent a follow up letter after the meeting with the Council on 6 September.

The Minister thanked the Council for their Annual Report and encouraged the Council to set achievable goals while developing their work plan.

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### **Children—child care (Question No 648)**

**Dr Foskey** asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2005:

- (1) Can the Minister list the child care services that are leasing facilities from the ACT Government, including information on (a) the annual rent paid for each facility, (b) the number of child care places and (c) whether the services are operated by non-profit or for-profit organisations;
- (2) How does the ACT Government manage the facilities leased to child care services including (a) whether there is a common form of lease, (b) who is responsible for maintaining the facilities and (c) whether there are plans for building upgrades or renewal;
- (3) Has the ACT Government sold land or buildings for the purpose of child care service delivery over the past five years; if so, (a) which services purchased land or buildings from the ACT Government, (b) how many, if any, of the transactions involve a lease to purchase arrangement, (c) were conditions place on the sale with regard to the use of the facility and (d) what was the amount paid for each block and/or building and the basis for this value, for example market value or less than market value;
- (4) Does the ACT Government own any child care facilities that are not currently being used for child care service provision.

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

- (1) The ACT Government has leasing arrangements for 42 Childcare Centres. The attached list provides detail on:
  - (a) rent paid;
  - (b) number of places; and
  - (c) whether they are operated by non profit or for profit organisations.

- (2) The Government manages the facilities by way of a sub-lease between the ACT Government and the managing organisation of the facility.
- (a) The Department of Disability Housing and Community Services (DHCS) has a common form of lease for 35 of the 38 centres for which it is responsible. The other three buildings are in Department of Education and Training buildings and pay rent. The remaining four buildings are the responsibility of Department of Urban Services (DUS), have a common form of lease and pay rent.
- (b) Under the existing DHCS sub lease, the centre is responsible for the first \$500.00 for repairs or maintenance to the centre and any amounts over the \$500.00 are paid by the Department. The Department also has an annual recurrent Repairs & Maintenance budget, which includes programmed, unforeseen and mandatory works. For the DUS properties, the tenant is responsible for tenant related maintenance and DUS for major maintenance.
- (c) DHCS has approximately \$820,000 available through the 2005-06 capital upgrade program for Childcare centre related works.
- (3) (a) One site, Section 200 Block 7 Gungahlin, was sold at auction specifically for the purpose of a childcare centre. A facility is yet to be built on this site.
- (b) A 99 year lease was issued;
- (c) Conditions of lease included that the premises be only for the purpose of a child care centre and the combined gross floor area of all buildings erected on the land shall not exceed 1,000 square metres; and
- (d) Site sold at auction and therefore at market value. Sales price was \$913,000.
- (4) No.

Centre Name	Managing Organisation	Childcare places	Annual Rent paid
Alkira Community Childcare and Preschool	North Belconnen Community Association	62	Nil
Apple Tree Early Childhood Centre	Communities at Work	47	Nil
Blackmountain Community Preschool & Childcare Centre	Blackmountain Community Preschool & Childcare Centre Inc.	44	Nil
Bunyarra Children's Centre	Uniting Church in Australia Inc.	42	Nil
Campbell Cottage Childcare Centre	YWCA of Canberra	57	Nil
Chinese - Australian Early Childhood Centre	Association for Learning Mandarin in Australia Inc.	38	\$25,282.44
Civic Early Childhood Centre	Northside Community Service	68	Nil
Conder Child Care Centre	YWCA of Canberra	47	Nil
Coinda Cottage	North Belconnen Community Association	47	Nil
Forrest Early Childhood Centre	Southside Community Service	46	Nil
Fyshwick Early Childhood Centre	Southside Community Service	46	Nil
Ginninderra Child Care Centre	Belconnen Community Service Inc.	62	Nil
Gordon Childhood Centre	Anglican Church Property Trust of Canberra & Goulburn	42	Nil
Greenway Childhood Centre	Communities at Work	63	Nil
Gumnut Place Child Care Centre	Gumnut Place Child Care Centre Association Inc.	32	\$10,806.60
Gungahlin Childcare Centre	Lorraine Menzies	89	Nil
Illoura Children's Centre	Communities at Work	42	Nil
Isabella Plains Early Childhood Centre	Communities at Work	42	Nil

Kaleen Occasional Care Centre	Kaleen Community Association Inc.	20	Nil
Kambah Cottage	YMCA of Canberra Inc.	12	Nil
Kambah Early Childhood Centre	Communities at Work	25	Nil
Lollipop Children's Centre	Woden Community Service Inc.	60	Nil
Majura Occasional Care/Early Childhood Centre	Northside Community Service	47	Nil
Manuka Occasional Childcare Centre Association	Manuka Occasional Childcare Centre Association Inc.	77	Nil
Narrabundah Children's Cottage	Southside Community Service	35	Nil
Ngunnawal Early Childhood Centre	Gungahlin Regional Community Service Inc.	86	Nil
Nichols Early Childhood Centre	Community Services of Gungahlin Inc.	90	Nil
Rainbow Cottage Early Childhood Centre	SDN Children's Services Inc.	42	Nil
Redhill Montessori	Redhill Montessori	28	Nil
Salem Children's Centre	Uniting Church of Australia	42	Nil
Spence Children's Cottage	Spence Children's Cottage Association Inc.	25	Nil
Stirling Early Childhood Centre	Communities at Work	26	Nil
Taylor Early Childhood Centre	Communities at Work	23	\$9,680.28
Totom House Multi Cultural Early Childhood Centre	Totom House Inc.	52	Nil
Treehouse in the Park Early Learning Centre	Treehouse Pre-School & Childcare Centre Inc.	25	Nil
Tuggeranong Early Childhood Centre	Communities at Work	46	Nil
Weston Creek Children's Centre	Weston Creek Community Association Inc.	70	Nil
Teddy Bear Childcare Centre	Small business for profit	84	\$78,536.00
Baringa Childcare Centre	Community Based not for profit	60	\$27,257.00
The Children's Cubby house	Small business for profit	83	\$26,277.00
Red Hill Childcare Centre	Small business for profit	39	\$30,822.00

### Roads—mobile phone use (Question No 668)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 22 September 2005:

- (1) How many (a) ACTION bus drivers, (b) taxi drivers and (c) car drivers have been (i) reported and/or (ii) fined, prosecuted or otherwise for using mobile phones while driving;
- (2) Does ACT Policing have an active task force targeting those drivers who use mobile phones while driving; if not, why not;
- (3) How many road accidents have occurred as a result of drivers using mobile devices while driving in (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05 and (e) 2005-06 to date;
- (4) Of the drivers fined, prosecuted or otherwise, how many are repeat offenders;
- (5) What is the standard fine for a first time offence of using a mobile device while driving;
- (6) What is the total value of fines issued in each of the years listed in part (5) for the use of mobile phones while driving.

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

- (1) ACT Policing does not have the capacity to distinguish between drivers of the types of vehicles mentioned in (a); (b) or (c) that have been (i) reported and/or (ii) fined, prosecuted or otherwise and is therefore unable to provide an answer to this question.

- (2) No. All ACT Policing members, particularly Traffic Operations members pay attention to all traffic offences committed by motorists on roads and road related areas in the ACT.
- (3) Since 2001 the number of road accidents which have occurred as a result of drivers using mobile devices is:

**Number of accidents that occurred where a fine was also issued for using a hand-held mobile phone by financial year**

Year	2001-02	2002-03	2003-04	2004-05	2005-06*
Accidents	3	3	9	3	0

*Source: PROMIS as at 3 October 05; BRIO as at 5 October 05; \*2005-06 is the period 1 July 05 to 2 October 05*

- (4) The number of repeat offenders who have been fined, prosecuted or otherwise is:

**Number of drivers apprehended, fined or cautioned two or more times for driving a vehicle other than a bus while using a hand-held mobile phone within the period 01 July 2001 to 02 October 2005**

	Number of people
Apprehensions	0
Fines	109
Cautions	0

*Source: PROMIS as at 3 October 2005  
BRIO as at 5 October 2005*

- (5) It is an offence under *Australian Road Rules No.300*, to use a mobile phone while driving. The current penalty incurred in the ACT for this offence is \$226, which attracts 3 demerit points.
- (6) The total value of fines issued in each of the years listed in part (3) for the use of mobile phones while driving is:

**Value of fines issued for driving while using a hand-held mobile by financial year**

Year	2001-02	2002-03	2003-04	2004-05	2005-06*
Value (\$)	70725	81420	161968	178724	40591

*Source: BRIO as at 5 October 2005. \*2005-06 is the period 1 July 2005 to 2 October 2005*

## Hospitals—waiting lists (Question No 672)

**Mr Smyth** asked the Minister for Health, upon notice, on 22 September 2005:

- (1) In relation to public elective surgery waiting lists and times, how many patients were added to the waiting lists at (a) The Canberra Hospital and (b) Calvary Hospital in (i) July 2005 and (ii) August 2005;
- (2) How many patients were removed from the waiting lists after admission at (a) The Canberra Hospital and (b) Calvary Hospital in (i) July 2005 and (ii) August 2005;
- (3) How many patients were on the elective surgery waiting list at (a) The Canberra Hospital and (b) Calvary Hospital at the end of (i) July 2005 and (ii) August 2005;

- (4) How many patients were overdue for elective surgical treatment, in all categories, at (a) The Canberra Hospital and (b) Calvary Hospital at the end of (i) July 2005 and (ii) August 2005.

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

As advised in the Assembly on 6 March 2005

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

Also advised in a media release on 11 August 2005 the *Access to Elective Surgery Report*, and the individual hospital waiting list statistics will no longer be published. Access to elective surgery will be reported quarterly as part of the new consolidated performance report on ACT Health services.

This new report will include information on the length of time people are waiting for elective surgery. The indicators that will be included are:

- The percentage of category one (urgent), category two (semi-urgent) and category 3 (non-urgent) patients that are admitted on time;
- The elective surgery postponement rate;
- Mean waiting times to admission by category;
- The 50<sup>th</sup> and 90<sup>th</sup> percentiles waiting times by category; and
- The number of removals from the waiting list for surgery.
- The number of people waiting for surgery will be reported every 6 months.

In addition, on 15 October 2005 ACT Health commenced the publication of surgeons waiting times on the Elective Surgery Information page. This information can be viewed at [www.health.act.gov.au/waitinglists](http://www.health.act.gov.au/waitinglists).

### **Sport and recreation—netball (Question No 673)**

**Mrs Burke** asked the Minister for Sport and Recreation, upon notice, on 22 September 2005:

- (1) Are there any plans to include funding for a dedicated netball facility in the Gungahlin area in the 2006-07 ACT Budget;
- (2) If funding is to be considered for such a facility, what timeframes would be set to commence construction of the facility and when, approximately, would the facility be completed.

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

- (1) No funding is currently allocated for this facility in the capital works program. The make up of the 2006-07 Budget is yet to be finalised by the Government.

(2) N/A

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**Electoral—prisoners  
(Question No 677)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 18 October 2005:

- (1) How many prisoners from the ACT were serving sentences of (a) less than three years and (b) three years or more, as at 30 September 2005;
- (2) How many people serving a prison sentence voted during the 2004 ACT elections.

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

- (1) As at 30 September 2005, the number of ACT prisoners serving a sentence of less than three years was 63. The number of ACT prisoners serving a sentence of three years or more was 61.
  - (2) None of the people serving a prison sentence voted during the 2004 ACT elections.
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**Fairbairn Park lease  
(Question No 680)**

**Mr Stefaniak** asked the Minister for Sport and Recreation, upon notice, on 18 October 2005:

- (1) Why has the ACT Motorsport Council still not been given a lease for Fairbairn Park that was promised to them almost 12 months ago;
- (2) When will the ACT Motorsport Council receive the lease and what has been the delay in delivering the lease.

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

- (1) The ACT Planning and Land Authority is yet to offer the lease.
  - (2) I understand that the lease will be offered to the Motor Sports Council when the Government Solicitors Office has finalised the drafting of a Deed that will accompany the lease, which specifically refers to the Council's obligations regarding preparation of a Preliminary Assessment and Development Application for previous unapproved works undertaken at the site.
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**ACTTAB—staff  
(Question No 681)**

**Mr Stefaniak** asked the Minister for Racing and Gaming, upon notice, on 18 October 2005:

- (1) In relation to ACTTAB, why was Sue Baker-Finch's contract not renewed;

- (2) What is the current situation in relation to salary increases for staff and has this been factored into the Budget; if not, why not;
- (3) How much extra will be paid for staff salaries in the 2005-06 financial year.

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

- (1) Chief Executives of Territory Owned Corporations are employed by their respective boards on fixed term contracts. The decision to renew an employment contract or otherwise is a matter for the relevant board, taken in consultation with the Minister. The reasons for decision are a matter for the parties involved and not for public information.
- (2) The ACTTAB Limited (Enterprise Bargaining) Agreement 2005-2008, certified by the Australian Industrial Relations Commission in Canberra on 18 August 2005, provided for a 4% increase in salary for all classifications covered by the Agreement, effective from 17 December 2004, with a further increase of 4% applied from 1 September 2005. Additional increases of 4% from 1 September 2006 and 5% from 1 September 2007 are provided for. The salary increases were anticipated and have been factored into the current budget as well as for forward years.

The ACTTAB EBA also provides for the conduct of a joint classification / work value review which it is anticipated will be completed during the first quarter of 2006. It can be reasonably presumed that further increases in salary might flow to some employees as a result of that process. No provision has yet been made within the budget process for increases which might arise from the review.

- (3) ACTTAB has budgeted to spend an additional \$472k in salaries during FY 2005-2006.

### **Sports grounds closures (Question No 682)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice, on 18 October 2005:

- (1) Which and how many sports grounds/ovals (a) have been closed for use by sporting groups in the ACT since January 2003 and (b) are currently closed for use by sporting groups in the ACT;
- (2) How many sports clubs have been affected by these closures since January 2003, for example, by being unable to use grounds they previously used for (a) rugby league, (b) rugby union, (c) Australian rules football, (d) cricket, (e) netball, (f) soccer and (g) hockey;
- (3) Given that the summer cricket season is about to begin in Canberra, how many cricket ovals/pitches are currently (a) available and (b) not available for use;
- (4) Will the number of ovals/pitches available for use be adequate to allow all scheduled games to take place;
- (5) What is the Government doing to ensure that enough ovals/pitches are available for use and will remain available for use if there is minimal rain this summer.

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

- (1) (a) Since the implementation of Actew/AGL water restrictions there have been as many as 30 sportsgrounds (including parts of larger district grounds) closed for formal sporting use. The precise number has varied slightly from time to time due to variations in the response of grounds to the withdrawal of irrigation and its partial reintroduction with changes in the level of restriction.  
(b) Currently there are 20 neighbourhood ovals and parts of 4 district playing fields closed to formal sporting use.
- (2) The ACT Junior Cricket Association has had to change the scheduling of some competitions but there have been no cancellations. The North Canberra Bears Minor Rugby League Football club transferred their training and competition from Kaleen North Oval to the Kaleen District Playing Fields for the winter season 2005. The South Tuggeranong Knights Minor Rugby League Club lost access to their training ground at Conder Neighbourhood Oval and moved to Calwell District Playing Fields and Kambah 1 District Playing Fields.  
All other sports have been able to carry out their training and competition programs.
- (3) There are:
  - 15 concrete wickets available and 18 unavailable
  - 30 synthetic wickets available and 1 unavailable
  - All 15 turf wickets are available
- (4) It is believed that all competitions will be able to proceed.
- (5) There are enough grounds available to facilitate the full program of summer sport. Parks and Places will continue to monitor the condition of all grounds and will work closely with the various ACT sporting associations to ensure that their needs continue to be met.

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**Water**  
**(Question No 683)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 18 October 2005:

In relation to the water resources management plan *Think Water Act Water*, volume 3, what is the "area method".

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

The area method is used to determine flows in subcatchments which do not contain a gauging station. A gauging station that has similar characteristics (land use, geology, soils and vegetation) is used. Based on the fact that the quantity of runoff varies with catchment area, flow details from this similar station are varied proportionally to the areas of the gauged and ungauged subcatchments to calculate the flow in the ungauged catchment.

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**ACTION—passenger safety**  
**(Question No 684)**

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

- (1) What guidelines and training exist regarding when a bus driver can pull away from a bus stop after a passenger has boarded a bus;
- (2) Are bus drivers required to ensure that all passengers are seated, unless there is only standing room, before they pull away from a bus stop; if not, why not;
- (3) Have there been any complaints regarding bus drivers pulling away from bus stops prematurely when passengers are not safely seated in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (iv) 2005-06 to date; if so, how many and was anything done to follow-up the complaints or train the bus drivers involved;
- (4) If no follow-up or training was entered into, why not;
- (5) Have there been any injuries to passengers reported or becoming known due to bus drivers pulling away from bus stops prematurely when passengers are not safely seated in (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date; if so, how many and was anything done to follow-up the complaints or train the bus drivers involved;
- (6) If no follow-up or training was entered into, why not.

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

- (1) Bus drivers are instructed to ensure that customers who are elderly; have a disability; have young children with them; or need assistance to move, are seated before moving away from the bus stop. This is also included in bus drivers' refresher courses.
- (2) Yes, if customers are elderly; have a disability; have young children with them; or need assistance to move.
- (3) (a) – (c) When a specific complaint regarding this issue is received, it is investigated and appropriate action taken. Since 1 July 2005, customer complaints are registered under a new information management system. Extracting the data requested from the old system would involve extensive hours of work.  
(d) In the period 1 July 2005 to 20 October 2005 ACTION has recorded five complaints of this nature being received.
- (4) See (3)
- (5) (a) – (c) All injury claims are actioned, investigated and appropriate action taken. Since 1 July 2005, injury claims are registered under a new information management system. Extracting the data requested from the old system would involve extensive hours of work.  
(d) Since 1 July 2005, ACTION has recorded one injury under this category being received.
- (6) See (5).

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**ACTION—ticketing machines  
(Question No 685)**

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

- (1) How many times have bus ticketing machines been out of operation on ACTION buses during (a) 2002-03, (b) 2003-04, (c) 2004-05 and (d) 2005-06 to date;
- (2) How long, on average, does it take to repair a broken ticketing machine;
- (3) What is the longest period of time any machine was out of operation before it was repaired;
- (4) Are ACTION buses taken out of service until installed ticketing machines are repaired; if not, why not;
- (5) What is the (a) total cost for repairs to bus ticketing machines and (b) estimated revenue lost from broken machines for each of the years listed in part (1);
- (6) With the stated patronage gains from the implementation of a real-time information system, what will be the expected loss of revenue due to the anticipated gain in journey numbers versus the continued failure rate of ticketing machines.

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

- (1) Since 2003–04 ACTION has averaged approximately 30 validator failures per month. Faulty validators are replaced by Interchange staff soon after detection.
- (2) This depends on the fault, varying from several minutes for replacement of ticket reader heads to several days for mainboard failures.
- (3) This information is not recorded.
- (4) No. A system of replacing faulty validators at interchanges is used to minimise lost patronage figures and revenue.
- (5) (a) Parts \$130,000–\$150,000 per year; staff resource approximately \$120,000 per year.  
(b) Revenue loss is minimal due to faulty validators being replaced at interchanges.
- (6) This would be minimal due to faulty validators being replaced at interchanges.

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### **Policing—quarterly reports (Question No 686)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 18 October 2005:

- (1) Further to Auditor-General's Report No. 1, 2004 entitled Administration of Policing Services, why were policing quarterly reports that were required to be produced by the Chief Police Officer not provided to the Department of Justice and Community Safety (JACS) on numerous occasions during (a) 2001-02, (b) 2002-03 and (c) 2003-04;
- (2) Since June 2003 have any policing quarterly reports failed to be submitted to JACS; if so, why;

- (3) What has been done to ensure that these quarterly reports are submitted on time for each quarter and that they are not delayed unnecessarily;
- (4) Has a specific time period for lodgement of quarterly reports been agreed to with the Australian Federal Police (AFP); if so, what is the quarterly lodgement period; if not, why not;
- (5) Does JACS respond to each quarterly report to address issues with the AFP where the required performance criteria are not being met by ACT Policing; if so, how is this undertaken; if not, why not.

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

Under current police services arrangements to the ACT, the Chief Police Officer reports directly to the Minister for Police and Emergency Services on performance, finance and personnel matters on a quarterly basis. The existing Arrangement and Purchase Agreement makes no provision for the Department of Justice and Community Safety (DJACS) in administering and managing the policing arrangement.

The Auditor-General's findings have been considered as part of negotiations between the government and AFP for a new 2005 Arrangement and revised 2005-06 Purchase Agreement. Further enhancement of the AFP's reporting requirements and examination of DJACS' role in providing support to me in performing my ministerial functions on policing have been among the issues considered in the context of the negotiations.

### **Legislative Assembly—motor vehicles (Question No 714)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 20 October 2005:

- (1) Why is a large red Ford utility vehicle operated by the Department of Urban Services, registration number 211615, used to deliver mail to the Legislative Assembly when a smaller more economical vehicle would be more appropriate to pick up or deliver relatively small packages;
- (2) Does this particular vehicle have other scheduled delivery locations;
- (3) Has consideration been given to the use of a more environmentally friendly vehicle that would also cost less to run; if not, why not.

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

- (1) The Ford Utility is one of seven vehicles used by Record Services to deliver mail to ACT Government Agencies across Canberra. On average, the vehicle is more than 80% full and is frequently used to undertake collections of large quantities of boxed materials and bagged mail that could not be carried by a smaller vehicle.
- (2) Yes.
- (3) Yes. As each vehicle lease approaches expiration, Record Services will consult with Rhodium Asset Solutions regarding vehicle options, costs and fitness for purpose.

**ACTEW—power cuts  
(Question No 718)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 20 October 2005:

- (1) Further to a letter to the editor “Left like mushrooms” in The Canberra Times on 5 October 2005, why was electricity cut-off in parts of Lyneham for more than 20 hours in the week of 26 September to 2 October;
- (2) What repairs and/or upgrades were completed within this period;
- (3) Why were households affected unaware of the operations undertaken by ACTEW in this week;
- (4) What requirements exist regarding the disclosure of information to households affected by operations that result in cuts to their electricity supply and are these requirements met at all times; if not, why not;
- (5) What has been done to ensure that this lack of information to households regarding electricity supply cuts will not occur again.

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

- (1) On Friday 30 September ActewAGL had a fault on an underground cable in the low voltage distribution network, which affected the electricity supply to a part of Lyneham in the area of Owen Crescent and De Burgh Street. Residences affected included all of Sections 49 and 55 (including Owen Flats) and approximately half of Section 48 Lyneham. The first calls of loss of electricity supply were received at ActewAGL’s Emergencies and Faults Call Centre at 1552 hours. Work undertaken included the response to the calls, identification of the problem, location of the fault, repairs and finally restoration of electricity supply at 1300 hours on Saturday 1 October. For this particular section of the low voltage distribution network ActewAGL was unable to provide an alternative electricity supply to the customers whilst the faulted section was repaired.
- (2) The fault was a cable joint in a section of low voltage underground cable that runs from a padmount substation, adjacent the HIA Building near Northbourne Avenue, to a pole near Owen Flats. The faulty section of the low voltage cable was cut out and a new section of low voltage cable was required to run to the pole. This required excavation at the location of the fault and then to the pole. This new cable was jointed to the section of old cable that runs to the substation.
- (3) The work carried out was emergency repairs, not planned work.
- (4) The summary of the Consumer Protection Code provisions relating to unplanned outages:  
In the case of unplanned interruption ActewAGL must:
  - establish a telephone service (as far as possible with the option to talk to the operator) for the purpose of providing information to customers
  - provide information on the nature of the interruption
  - provide an estimate of the duration of interruption (or an estimate when reliable information on the restoration time will be available)

ActewAGL achieves this through the Emergencies and Faults Call Centre, which is operational 24 hours every day. The Call Centre Operators are provided with the best information that is available at the time from liaison between the Dispatch and Field Services staff. For any emergency repair work there is always the possibility that initial estimates of repair and restoration times are exceeded if further problems are experienced. The Dispatch and Call Centre staff are advised if this occurs.

- (5) The work carried out was emergency repairs, not planned work. ActewAGL will continue to comply with the relevant requirements under the Consumer Protection Code as summarised above.

### **Namadgi National Park—native title claim (Question No 724)**

**Mrs Burke** asked the Minister for the Environment, upon notice, on 20 October 2005:

- (1) In relation to the Namadgi National Park Draft Management Plan, September 2005, what is the position of the ACT Government on the rights and interests associated with Native Title Claim;
- (2) What is the present Native Title Claim over the ACT which includes the Namadgi National Park.

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

- (1) There have been several native title claims in the ACT. The ACT Government reached an agreement with the first claimants in 2001 and the claim was dropped. The Namadgi National Park Draft Management reflects the terms and conditions of the Agreement between the Territory and ACT Native Title Claim Groups. The Agreement sets out interim arrangements that are to apply until negotiations on the detailed terms and conditions for permanent arrangements are determined. Under these interim arrangements, the Aboriginal parties to the Agreement have the right to:
  - be acknowledged as people with an historical association with the area that is now Namadgi National Park;
  - participate in the management of Namadgi National Park;
  - be consulted on specific regional cultural issues; and
  - be consulted on the development of any legislation that will affect Namadgi National Park.

The Aboriginal parties exercise these rights through their representation on the Interim Namadgi Advisory Board, established under the Agreement. The Board consists of five Aboriginal members (nominated by the Aboriginal parties to the agreement) and five non-Aboriginal members (appointed in an individual capacity because of their specific expertise). The Board has been established and has been working effectively since 2001.

- (2) Since the lodgement of the first claim, two further claims have been lodged by a group that had originally been part of the first claim. Only one of these claims is still current. This claim also includes Namadgi National Park. The applicant in this claim (Federal Court No N6007/2002) is Mr Dean Bell. The matter is currently in mediation under the auspices of the Federal Court

**Environment and conservation—reports  
(Question No 725)**

**Mrs Burke** asked the Minister for the Environment, upon notice, on 20 October 2005:

- (1) What is the Human Settlements theme in the ACT Women's Plan;
- (2) What information is contained in the health and socio-economic status reports.

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

- (1) There is no specific Human Settlements theme in the ACT Women's Plan.
  - (2) If this question refers to the State of Environment Reports, those reports may be found at the Commissioner's website at [www.EnvComm.act.gov.au](http://www.EnvComm.act.gov.au)
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**Disabled persons—transport  
(Question No 726)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 20 October 2005:

- (1) Is the Special Needs Transport (SNT) contract with the Department of Education and Training providing transport for children with a disability to and from school operational at this time;
- (2) Is the SNT contract with Disability, Housing and Community Services providing transport for aged and/or people with a disability to and from day care centres operational at this time;
- (3) Are there any plans to expand these two contracts.

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

- (1) Yes.
  - (2) Yes.
  - (3) No.
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**ACTION—indigent recruitment  
(Question No 727)**

**Mrs Burke** asked the Minister for Planning, upon notice, on 20 October 2005:

- (1) Did ACTION launch its Indigenous Recruitment Program in October 2004, as proposed in the 2004-05 annual report;
- (2) If operational, how many people have (a) been recruited to and (b) graduated from the Program;

- (3) What is the duration of the Program;
- (4) What is the certification of the students at the completion of the Program;
- (5) How many graduates have secured employment with ACTION.

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

- (1) Yes
  - (2) (a) 4  
(b) 4
  - (3) Ongoing
  - (4) Bus driver qualifications and Transport Industries Skills Centre's Certificate III in Transport and Distribution (Road Transport)
  - (5) 4
-