



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

15 DECEMBER

2005

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**Thursday, 15 December 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.

### **Civil Law (Wrongs) Amendment Bill (No 2)**

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

Title read by Acting Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.33): I move:

That this bill be agreed to in principle.

The Civil Law (Wrongs) Amendment Bill 2005 (No 2) reforms the law of defamation in accordance with model provisions agreed by state and territory attorneys-general. The states and territories had attempted to reach agreement on uniform defamation law reform for almost 30 years, without success. While defamation law underwent significant reform here and in New South Wales, the law in other Australian jurisdictions remained relatively untouched.

To advance this matter, state and territory attorneys-general commissioned a report from law officers on reform options. New South Wales and ACT officers took the lead in preparing the report. The law officers involved drew heavily on both the ACT and New South Wales law, which has been the most developed statutory source of law on this subject in Australia. Law officers also had regard to key decisions in common law jurisdictions. The report of law officers was adopted by state and territory attorneys-general in July 2004.

At the request of attorneys, law officers consulted widely and prepared a model bill, which has subsequently received the support of all state and territory attorneys-general. Substantially similar laws are being introduced or have been introduced in all states and territories. Since then, Tasmania introduced the bill on 25 October, Queensland passed the bill on 9 November, South Australia passed the model bill on 20 October, Western Australia has introduced the bill, as have Victoria and New South Wales. In the ACT, the provisions of the model bill will be incorporated into the ACT Civil Law (Wrongs) Act 2002. This is a continuance of the government's policy of ensuring that the key provisions of the civil law should be grouped into the same legislation.

The model provisions are broadly consistent with the existing ACT law. Inevitably, there are some differences, which I will discuss briefly in a moment. However, it must be borne in mind that the final form of the bill represents a hard-fought negotiated settlement between all jurisdictions.

Inevitably, there are stakeholders representing the interests of publishers and litigants who have opposed some parts of the legislation. Some of this opposition derives from

long-held philosophical views about what defamation law should be about. Members who took part in the debates about reform to our defamation law in 2001 will remember the campaign run by stakeholders against the provisions ultimately adopted by the Assembly.

The ACT takes the view that the adoption of the uniform bill in relation to defamation is unlikely to have an immediate dramatic impact on the current culture within the media, which consistently sees serious errors in reporting and some partisan opinion presented as fact. However, the adoption of the model provisions is an essential and important policy step in creating a starting block from which a coherent examination of the law may proceed. This is because, in the past, reforms in the ACT and New South Wales have been frustrated because the parties have simply moved to another jurisdiction. The establishment of a common legal infrastructure will deny this type of undesirable forum shopping. The states and territories propose to establish an intergovernmental agreement committing the parties to achieving and maintaining uniformity in respect of the substantive law of defamation.

I will turn to some of the substantive provisions in the bill. The bill provides for an objects clause. The objects are: to enact provisions to promote uniform laws of defamation in Australia; to ensure that the law of defamation does not place unreasonable limits on freedom of expression and, in particular, on the publication and discussion of matters of public interest and importance; to provide effective and fair remedies for persons whose reputations are harmed by the publication of defamatory matter; and to promote speedy and non-litigious methods of resolving disputes and the publication of defamatory matter.

It is still a little unusual to see an objects clause in ACT legislation, although this practice is becoming more common. Inclusion of an objects clause was strongly supported by law officers and in submissions. The clause explicitly recognises the need to protect both personal reputation and freedom of expression. Protecting freedom of expression and protecting personal reputation from unjustified aspersions are not new ideas and can be traced back through English common law.

The statement of rights is consistent with the ACT Human Rights Act. This is particularly important because influential civil law decisions from the UK and the US courts are now developing this jurisdiction having regard to the language in international treaties. One of the great strengths of the civil law is that, because it is in part constantly developing as a result of the case-by-case considerations of civil jurists in the common law countries, it is dynamic. It is constantly evolving to adapt to new situations.

The bill preserves the common law test of defamatory matter and does not attempt to codify it. This means that decisions about whether matter that has been published is or is not defamatory will continue to be decided according to the common law. This will allow for the law to change gradually and incrementally as the meaning of words and actions and the standards of society change. The majority of submissions supported this. Nevertheless, the explanatory statement does provide useful background information that will help explain the approach the common law takes to the law of defamation.

At common law, a publication is defamatory if it is likely to cause ordinary, reasonable people to think less of, or shun or avoid, the plaintiff. Almost all submissions supported

the retention of the common law as it is considered more responsive to social change than statute law.

Controversially, the bill precludes large corporations from suing for defamation. This prohibition does not extend to nonprofit organisations or smaller family businesses. This represents a clear departure from existing ACT law. At present, corporations may and do sue under ACT law. Since corporations have been excluded from bringing actions in New South Wales, a number of New South Wales corporations have sued in the ACT instead. The proposed prohibition was strongly urged on the basis that in recent times large corporations had used this action to stifle public comment on the quality of products and services of companies. This position in the bill is agreed by state and territory ministers. The commonwealth, however, opposes the exclusion of large companies from the operation of the law.

The bill makes it clear that defamation actions cannot be commenced or continued on behalf of dead people. There was overwhelming support for this proposition. The bill requires defamation proceedings to be commenced within one year, with the courts having the discretion to extend this to three years in appropriate cases. The bill contains a choice of law clause. This type of clause is not strictly necessary in uniform legislation, as the substantive law of each state and territory will be the same in each jurisdiction.

The bill contains a pre-litigation offer of amends procedure. Submissions strongly supported the inclusion of that. The procedure in the bill is a refinement of the existing procedure which applies in New South Wales and the ACT. The model bill does not require jurisdictions to provide for defamation proceedings to be tried by a jury. Members will be aware that, despite such an option being permitted in the ACT for many decades, a jury trial of a defamation matter was never held in the ACT and that, more recently, the ACT has abolished jury trials in civil matters. The commonwealth has insisted on the reinstatement of jury trials in relation to this class of civil action.

The defences to actions in defamation are as important as the elements of the cause of action. One of the most contentious issues has been whether a person should ever be liable for publishing matter that is true. At common law the position has always been that a defendant who proves that the published matter is true has a complete defence. Traditionally, this has been known as the defence of justification. This is also the law in Victoria, South Australia, Western Australia, the Northern Territory, New Zealand and England. In New South Wales, the defendant has a defence only if it is also proved that the matter was published in the public interest. In Queensland, Tasmania and the Australian Capital Territory, the defendant must prove that the matter was published for the public benefit. All states and territories have agreed that their bills should contain a statutory defence that reflects the common law defence of justification. Most submissions to the review clearly favoured this formulation of the justification defence.

The bill identifies the main publications which are subject to absolute privilege, such as proceedings of parliaments, courts and tribunals. No submissions objected to this. The bill protects the publication of fair reports of public documents and of proceedings of public concern. The common law defence of qualified privilege is retained and supplemented by a provision that specifically invites the court to consider the circumstances of the publication. Generally speaking, under common law qualified privilege applies when the person who makes the communication has an interest or duty

to make it and the recipient has a corresponding interest or duty to receive it. Submissions strongly supported the retention of the common law, and the majority favoured giving some guidance to the courts as to when the conduct of a publisher would be considered reasonable.

The bill explicitly protects expressions of opinion that are genuinely held about matters of public interest. All submissions supported the proposal that an opinion need not be one that a “reasonable person” might have formed. The common law defence of innocent dissemination is retained, supplemented by provisions in the bill which recognise that some parties involved in the distribution of material, such as booksellers and internet service providers, have no effective control over the material they distribute and should not be liable in defamation.

The bill requires that damages awarded to plaintiffs have an appropriate and rational relationship to the harm they have suffered. Damages for non-economic loss are capped, and this amount will be adjusted annually by reference to the formula laid out in the bill.

The bill would set a limitation period of one year from commencement of civil defamation actions. Early correction, restoration of reputation and resolution of defamation disputes is in the interests of the parties and the public.

The explanatory statement I have tabled adopts some of the explanatory notes drafted by an interstate parliamentary counsel, in consultation with Parliamentary Counsels Committee, and I commend the bill to the Assembly.

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

## **Children and Young People Amendment Bill 2005 (No 2)**

**Mr Stanhope**, on behalf of **Ms Gallagher**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Acting Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.43): I move:

That this bill be agreed to in principle.

The Children and Young People Act 1999 provided for an operational review within three years of the act’s commencement. A comprehensive review has been undertaken, involving extensive community consultation, and this has resulted in a two-phased reform process. The first phase proposes amendments to the principles of the act, as well as in the areas of care and protection and information protection. The reports which reviewed child protection practice and management in the ACT, undertaken by Commissioner Vardon and Ms Gwen Murray, have informed the review in regard to the principles and practices relating to care and protection of children and young people.

The best interests principle will remain the paramount consideration for decision-makers across the ACT, except for young offenders. The general principles will be applied

except where the application would be contrary to the best interests of the child or young person. The best interests of the young person will be one of a number of principles to be applied when making decisions about young offenders.

The review identified that principles relating to participation of children and young people in decision-making required strengthening. In the area of care and protection, a new principle of helping families understand care and protection procedures is introduced. This principle guides decision makers' action regarding consultation with and participation of children and young people and people with parental responsibility in decision-making. For any care and protection decision, the decision maker must make attempts to ensure that the child or young person, their legal representative and people with parental responsibility understand the nature of the decision and the decision-making process, can participate in the decision-making process, having their views and wishes heard, and understand the final decision after it is communicated to them.

The bill provides for strengthened representation of Aboriginal and Torres Strait Islander people on the Children's Services Council, through a requirement that at least one council member represent their interests. Placement decisions for Aboriginal and Torres Strait Islander children and young people will be subject to an indigenous cultural plan. The purpose of the indigenous cultural plan is to preserve and enhance the child or young person's identity as an Aboriginal or Torres Strait Islander person.

A new concept is introduced of a child or young person being at risk of abuse or neglect. This replaces the concept of likelihood of abuse or neglect and reflects contemporary child protection assessment of risk. The test will be where there is a significant risk of the child or young person being abused or neglected. Examples are included to highlight cases when the chief executive may decide a child or young person is at risk of abuse and neglect.

Attention has been given to the categories of persons required to report abuse of children and young people. The act will be clarified to ensure that public servants working with or personally providing services to children and young people and their families will be mandated to report. The current reporting regime requires all mandated reporters to report their suspicions of non-accidental physical injury and sexual abuse. The review identified that this can result in many mandated reporters in the same setting being required to report identical concerns for a child or young person. This frequently occurs in settings such as schools or hospitals. To avoid this, an exception to mandatory reporting will occur in such circumstances. If a person reasonably suspects someone else has already made a report about the same child or young person in relation to the same incident of abuse or neglect, they are exempt from submitting a report themselves. This will also provide a clearer picture as to the number of children and young people at risk by reducing the number of multiple reports.

Currently, all reports on children and young people for whom the chief executive has parental responsibility are required to be given to the Office of the Community Advocate. The intention of this provision was to ensure that there was oversight by the Office of the Community Advocate of reports and action in relation to abuse of children, for whom the chief executive already has responsibility. In practice, this has resulted in many reports being provided which do not involve significant care and protection concerns—for example, a young person absconding from placement for a short time. In

response to this, the Office of the Community Advocate will be provided with all reports where a report of abuse or neglect has been received and where it involves the carer authorised by the chief executive to care for the child or young person.

For children and young people under the parental responsibility of the chief executive, reporting dates for the annual review report on the child or young person's progress will be removed. The chief executive will continue to report once each year for a child or young person subject to a final care and protection order. If the order is in force for less than one year, the chief executive will report at least one month but not earlier than two months before the order expires.

Facilitators of family group conferences will be empowered to undertake free conference work with children, young people and families, including mediation, resolving conflict or doing anything necessary to facilitate conferences. This reflects best practice in the area of family group conferences.

Finally, a new framework is introduced for the protection and release of information under the act. Information is categorised into protected and sensitive information. Information holders include persons exercising a function under or engaged in the administration of the act and also persons to whom information is given. Guidance is provided as to what information may be released by an information holder. The chief executive will also be able to release information where it is decided this would be in the best interests of the child or young person.

The power to make standing orders for places of detention have been extended until December 2006 to allow for a detailed consideration of the policy matters related to youth justice. This extension will allow a detailed consideration of how the new adult sentencing and corrections laws, which have been developed within a human rights framework, might apply to children and young people. This will be undertaken in consultation with the community.

In summary, the bill will improve outcomes for children, young people and their families through improving their participation in decisions that affect their lives, preserving and enhancing the identity of Aboriginal and Torres Strait Islander children and young people, and improving the recognition and assessment of children and young people at risk of abuse and neglect. I commend the bill to members.

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

## **Road Transport (Public Passenger Services) Amendment Bill 2005**

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

Title read by Acting Clerk.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.50): I move:

That this bill be agreed to in principle.

The Road Transport (Public Passenger Services) Amendment Bill 2005, hereafter referred to as the bill, provides the regulatory environment for demand responsive public passenger services in the ACT. The bill has been prepared in response to industry's desire to address transport needs in new ways that aim to reduce transport costs, improve the reliability of public passenger services, reduce travel times and/or improve equity of access.

The government applauds this development and will facilitate the introduction of demand responsive transport services through the provision of an appropriate legislative framework for these services. The amendments will ensure that flexible demand responsive multihire services can be regulated effectively under the Road Transport (Public Passenger Services) Act 2001.

The key features of demand responsive services are that the services are available to multiple hirers simultaneously; services may be prebooked through a booking service and/or services may be accessed on the spot without the necessity to book; services may be door to door and/or use bus stops, minibus zones or other pick-up points; passengers pay a fare on entering the vehicle; routes and times are variable; and, generally, the more personalised the service the higher the cost of the service.

The introduction of this new category of public passenger service represents a change from the existing mode-based approach to regulation of the industry to a more service-based approach. Unlike bus, hire car and taxi services, demand responsive services may use a range of passenger vehicle types. The main defining feature of the category is the nature of the service.

Demand responsive services are usually niche services that meet public transport needs at certain locations or times or for particular groups of people; they do not attempt to provide a universal service available to all throughout the day. However, demand responsive services have several characteristics in common with regular route bus services. For example, passengers share the vehicle with other passengers, and with taxi services a demand responsive service typically uses a booking service.

Indeed, from the perspective of passenger safety, consumer protection and public order, demand responsive services are similar to those services to which high levels of scrutiny are applied, that is, taxis and regular route bus services. The regulation of the new demand responsive services will also provide this high level of scrutiny. As currently required for regular route bus service operators, demand responsive service operators will be required to obtain accreditation and have a service contract with the road transport authority.

In addition, an authorisation to provide a demand responsive service must be obtained from the minister to ensure that such services do not undermine the viability of existing regular route services, to identify the vehicles used to provide the service and to provide any exemptions applying to the particular service. A decision to give an authorisation will be based on guidelines developed for this purpose. A demand responsive service contract will include, amongst other things, the details of the particular service—for

example, the area of operation, pick-up and set-down points and the requirements in terms of public information about the service.

Demand responsive service accreditation standards will be consistent with those applied to bus, taxi and hire car services—for example, standards for maintenance, complaints handling and records to be kept will be applied—and will ensure that the industry provides high-quality services and meets safety standards. Also consistent with accreditation requirements for bus, taxi and hire car operators, the amendment applies the tests used in assessing accreditation applications to demand responsive service operators. This will allow the road transport authority to apply “suitable person” tests to applicants for demand responsive service operator accreditation. It will be at the discretion of the road transport authority to audit demand responsive service operators to determine compliance with accreditation requirements and to maintain service quality and public safety.

Consistent with the approach in the Road Transport (Public Passenger Services) Act 2001 for regular route bus services, the bill provides regulation-making powers in relation to demand responsive service contracts, operations, vehicles, drivers and passengers. The bill also provides for the determination of minimum fares for demand responsive services, as the government is concerned that vehicle maintenance and safety are not compromised by marginal operations. The fares for demand responsive services are expected to be lower than taxi fares but higher than regular route bus fares. A modest regulatory fee regime will cover the costs of administration to establish and monitor the accreditation scheme and the authorisation of service contracts processes. The fees will be reasonable and consistent with those for other public passenger services.

The bill provides an appropriate and flexible regulatory regime that supports new developments in the public passenger service industry by accommodating demand responsive public passenger services. It provides a legislative framework for the provision of niche services that are responsive to community needs for safe, reliable and efficient public passenger transport. I commend the bill to members.

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

## **Emergency Services—Select Committee Proposed appointment**

**MR PRATT** (Brindabella) (10.57): I move:

That:

- (1) a Select Committee be appointed to examine the functions, policies, procedures and financial performance of the Emergency Services;
- (2) the Committee be composed of:
  - (a) one Member to be nominated by the Government;
  - (b) one Member to be nominated by the Opposition; and
  - (b) one Member to be nominated by the Crossbench;

to be notified in writing to the Speaker by 4.00 pm today;

- (3) the Committee report by 30 March 2006;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

I have moved this motion today to seek to have a committee examination of the functions, policies, procedures and financial performance of the Emergency Services Authority. The request is well justified, as there are many unanswered questions around a number of aspects of the Emergency Services Authority and its agencies, it replaced the previous ESB after the January 2003 bushfire disaster.

There appear to be discrepancies in answers, or non-answers to questions, both with and without notice, that I have posed to this government in areas of ESA management. There appear to be discrepancies in documents, or the lack thereof, from FOI requests that I have made. There appear to be discrepancies in comments that have been made by the Chief Minister, his emergency services minister and the ESA commissioner about ESA management and activities.

It is not just the opposition that is concerned. The Auditor-General has identified in her report No 7 of 2005 *2004-05 Financial audits* that the ESA does not even have an internal audit function—an essential requirement in any department. On page 4 of the report, the Auditor-General says:

The internal audit function for the Authority was not established as at 30 June 2005.

This raises serious questions about how the ESA has been managing its finances, especially as it advertised recently for finance officers to “provide analysis on the identification of financial and resource anomalies”. The report also shows on page 53 that the ESA spent \$45.099 million on employee expenses. That was \$3.242 million under approved budget expenditure of \$48.341 million.

Normally a department would be commended for coming in under budget. However, what concerns me is that the ESA requested, and was given, a number of Treasurer’s Advances totalling about \$5.4 million for the 2005-06 year to cover unexpected salaries and other administrative expenses. On the one hand the Auditor-General’s report is saying that employee expenses were \$3.2 million less than the amount budgeted as the authority did not fill all planned positions during the year, but on the other hand we have the ESA screaming out for additional funding to cover additional salaries and the like. Why did they urgently need the additional appropriated funding if they have actually come in under budget—on salaries anyway? This is certainly a matter of some concern.

On a related matter, the opposition has to ask large numbers of questions on notice simply because there are anomalies. If you look at my question on notice No 827 lodged yesterday, it lists a range of serious concerns about millions of dollars worth of assets going missing and concerns about large differences between amended budget figures and actuals. There are a large number of doubtful debts. There is a significant amount of payables overdue for 60 days or more. There are concerns regarding cash flow and investment activities. All these things need to be closely investigated. The minister does not seem to be able to offer any decent answers when asked about these things, either through questions on notice, questions without notice or FOIs.

Recently I raised concerns about the decision of the ESA to release, almost on the day of annual report hearings, a newly revised annual report and how the decision not to provide that report to members for at least a week after that hearing was questionable. The ACT government's budget is under enormous pressure following revelations that cabinet has been advised the budget is "at risk". It is evident that the ESA has a lot to answer for in regard to the management of its budget.

In the interests of open, honest, accountable and transparent management of the ESA's \$70 million budget, we need to establish some idea of what has really happened in the ESA since its inception. This is a large organisation and it is spending a lot of money. There are many questions about where that money is going. This Assembly needs to dig into these issues and come up with some answers. It seems that no matter how much money is being thrown at this government agency for the equipment they need, the premises they require, the communication systems they have to have or the vehicles and equipment, the service they provide does not seem to improve. There have been some remarkable advances, but there is nothing consistent here.

The ESA was meant to see a reduction in the bureaucracy and nepotism clearly entrenched in the old Emergency Services Bureau identified by the McLeod inquiry following the January 2003 bushfire disaster. They were to be abolished with the establishment of the ESA. They would go west, we were told; we would not see them for dust. Everything was going to be streamlined, things were going to be more accountable, things were going to be more responsive, our men and women were going to be better supported in the field, we were told. Alas, this removal of bureaucracy does not seem to have happened, with the ESA seeming to have more of a bureaucratic structure and more questions about its administration, resourcing, procurement of services and budgetary funding than the old ESB ever had.

The ACT's preparation for potential disasters under the ESA also raises a number of questions. Let us look at the ACT's supposed preparation for a terrorist attack. In question time earlier this year, the Chief Minister said:

... the ACT has the most advanced evacuation procedures and processes in place of any jurisdiction in Australia, bar none.

He then said:

I commend the Emergency Services Authority and Commissioner Dunn for the state of preparedness and preparation that we have within the territory in relation to these issues.

That was all bunkum; that was all spin. Recently, in an FOI request, I asked the ESA for all documents pertaining to such preparations. The commissioner advised me in a letter that he was referring my request to JACS for such information. The commissioner did not appear to have any information under his agency that could be provided to me: no plans, no strategies, no working papers, no draft papers and no correspondence apparently pertaining to any thinking, preparation or identification of the terrorist threat management.

Why would Commissioner Dunn be advising Mr Stanhope on these terrorist threat evacuation issues if, as Commissioner Dunn stated in his FOI request response, JACS is the lead agency for counter-terrorism activities and he does not have any documentation pertaining to such preparations? This does not make sense. Either the ESA is responsible or they are not. The Chief Minister seems to think the ESA are responsible for counter-terrorism and evacuation preparation or at least plays a major role with other agencies in those preparations. But the ESA commissioner seems to think they are not as they appear to have no documentation on the matter at all.

That is really curious. There are also big questions about the appropriation of money to fulfil the McLeod recommendations. In the communications area \$26 million was identified as the requirement, with \$23.6 million actually being appropriated in the 2003-04 budget in the aftermath of the January 2003 disaster. There is no clear indication of how this funding has been spent, where it has been spent, if contracts have been completed and if this funding has been diverted into other areas. Over the last two and a half years the opposition has continually asked questions in estimates and hearings. Often we have been given very broad information on many of these issues, but nothing definitive.

Mr Hargreaves said that, under the new trunk radio net system, the staff of the ESA wanted 22 base stations. That has become only nine base stations, with only five of those nine installed at the beginning of this year. It is still not clear how many of those base stations have been installed. There are very significant questions about where that \$23 million actually has gone, whether these operational objectives were actually achieved, whether the original operational requirements that were the basis for the appropriation of funding have been achieved and whether projects have been completed and are effective.

Let us look at staffing. The ESA seems to be very keen on employing consultants and temporary contractors on communications projects. In fact, the remuneration for only two temporary contractors on some communications projects was \$1,100 a day for one and \$780 a day for the other. That is close to \$500,000 for the year that those two contractors were employed by the ESA. This raises more questions. Minister, why did you expand the original operational communications centre? Why did you double or even triple the number of staff? Why have so many of those staff been consultants and why have they been paid exorbitant rates? These are things that a select committee should examine.

Then there is the headquarters debacle. After the McLeod findings into the 2003 bushfire disaster, this government promised that the ESA would be getting a new headquarters. Where are we going with that recommendation? Now we find that there is no funding to

pay for such a headquarters and the ESA has to operate in inadequate premises. Indeed, they have even taken to bullying childcare centres in order to procure more room for their own activities because this government is unable to provide the headquarters the ESA so desperately needs.

Then there is the strange reversal of the \$10 million funding previously appropriated for the joint emergency headquarters centre in Belconnen. Why did that funding have to be reversed? Why was the ESA not able to go through with these important projects? What about your men and women in the field? What about the facilities they need to operate in? This all paints a picture of disarray in terms of budget project management.

Let us look at another issue. Volunteers are the salt of the earth. They are bloody good men and women. They need better support than they are getting with this mob. We know, minister, that you are gagging them. I know it because they are telling me. There are questions about failing to involve those with experience in the field who could make a significant contribution to sorting out problems within the ESA and its agencies.

But when do the commissioner and this magnificent bloody bureaucracy ever consult with the expert captains in the field? How much do our experienced field leaders of the RFS, the SES, the fire brigade and the ambulance get to contribute to project definition, systems design, organisational change and systemic development? The word we have got is that they do not. When they do speak up, they are witch-hunted. Is this the way you expect your departmental officials to behave?

Then there is the question of what has happened to the community fire units, the CFUs? It has taken three years to train 28 CFUs and the minimum requirement, identified by experts in the ACT and, I believe, agreed to by the government, is 80 CFUs. You, the Labor government, then promised to train 80 CFUs, and you are nowhere near it. What about the Torrens community fire unit? They have expressed concerns to me in recent months. Have they had their problems addressed yet?

To summarise a few concerns, there has been a failure to increase funding to ensure the continued rollout of community fire units. There is a lack of commitment to ensure the continuation of the fire management unit in urban services, as was recommended by McLeod. There was the black banning of the fire brigade's new compressed air foam units, and we still have not heard where those fire units are. There was the clamp on rural fire service drivers to undertake urgent driving duty.

It is clear that the Stanhope government has forgotten its promise after the January 2003 bushfire disaster to make community safety paramount. The minister should not ignore the bushfire threat just because the government has become complacent. It appears that the ESA cannot manage its finances. It cannot resource its projects. There are questions being raised by the opposition and there are questions being raised by the men and women in the field who are rubbing shoulders with these projects. The people in the community are asking questions and other experienced people who used to be in the agencies are asking questions as well.

Therefore, with accountability and community safety in mind, I move this motion today to have the operations and financial management of the ESA to date investigated by a committee in order that the community may have the answers and the protections it

deserves and needs and so, too, that our men and women have the support that they deserve and need.

**MR SPEAKER:** The member's time has expired.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.12): An Assembly committee review of the functions, policies, procedures and financial performance of the ESA is not warranted and the government will not be supporting Mr Pratt's motion.

I listened to that diatribe against the ESA management for the last X number of minutes and I make a couple of observations. Quite frankly, I think you people over there ought to learn a little bit more respect for the people that run the ESA.

**Mr Pratt:** That is rich coming from you, mate!

**MR HARGREAVES:** That is particularly coming from you, Mr Pratt.

**MR SPEAKER:** Order!

**MR HARGREAVES:** I will mention just a couple of selections from this hysterical outburst by Mr Pratt. He accused the previous management of emergency services in this town, the Emergency Services Bureau, almost in his opening lines, amongst other things, of nepotism. Did he put any proof of that on the table? No, he did not. He gave not one example of even suspected nepotism. He just throws that out there into the wilderness to see how it goes. It is a bit like fishing.

He used some really inappropriate language designed, I suppose, to upset managers in the ESA. He used words like "magnificent bloody bureaucracy". That is a direct quote, Mr Speaker. I was tempted to take a point of order on that, but I decided to repeat it and tell Mr Pratt what I think of it. I think that is a pathetic display of bullying.

Mr Pratt then says that I am attempting to gag people. Access to the Ombudsman is not what I call gagging. Getting guidelines so that people can operate is not about gagging. Then, without any proof, without any examples, without any case histories, he accuses us of witch-hunting ESA staff.

**Mr Pratt:** We know.

**MR HARGREAVES:** Mr Pratt interjects; "We know," but has he provided any evidence whatever in his speech here? He has provided none. I challenge him in his closing remarks to put evidence on the table of nepotism in the ESB, to put evidence on the table that people have been gagged and to detail the incidents surrounding them and to show, by true example, where people have been witch-hunted. I challenge him to do that. If he does not, I expect him to stand up here and admit one of two things: either that he has been misinformed, and therefore apologises for being precipitate, or he apologises unreservedly for those intemperate remarks.

Further, I observe that Mr Pratt's diatribe referred only in part to the financial issues in the ESA. He quoted one line from page 4 of the Auditor-General's report. I suspect that he did not get to page 5. Yesterday I referred members to pages 52 and 53, notably page 52, in which the Auditor-General gave an unqualified report. Mr Pratt questioned what trends exist within the expenditure patterning of the ESA. That is an audit. The annual reports are audited every year. The Auditor-General is entitled to audit the books any time she feels like it.

A committee is absolutely not necessary. If anybody is on a witch-hunt, it is Mr Pratt. He probably has the record for the most number of questions on notice in this place since its inception in 1988. The questions on notice Mr Pratt has been delivering have used up an inordinate amount of the time of the officers of the ESA. Mr Pratt has been provided with immense detail, incredible reams of detail. Further, Mrs Dunne's FOI request in respect of one of the issues was some 700 pages long. Did Mr Pratt bother to go and ask Mrs Dunne if he could look at it? No, he did not.

Over the last 12 months he has gone on some incredible fishing trips through the questions on notice process. In my view—I do not know whether the Assembly shares it or not; it is my personal view—he has abused the system. He has not followed up with very many questions asking for supplementary information. Most of his questions did not have to be put on notice. They could easily have been cleared up with a simple letter to my office. A lot of it could have been done with briefings, and they would have been quite happily provided. But, no, he does not like that at all.

In fact, in June 2004 Mr Pratt was actually extolling the virtues of the ESA. In the debate on the Emergencies Bill, he said:

... it is pleasing that at least the legislation will provide much clearer direction, much clearer benchmarks and reforms for organisations that were once thought to be cumbersome. With a few amendments, it will also provide clearer guidance to, and inspire greater confidence in, the community and, most importantly, the men and women of emergency services. I commend the bill to the house.

Have we seen any amendments from Mr Pratt? No, Mr Speaker. I assume, therefore, that Mr Pratt is happy with the frameworks in which the officers of the ESA work.

Mr Pratt suggests, through innuendo, that the town is not protected; that it is no better off than it was three or four or five years ago. Essentially, he is saying that the management of the ESA is not doing their work. He conveniently forgets that we have complied with all but two of the McLeod recommendations. For the benefit of Mr Pratt, let me highlight some of the achievements of the ESA.

The strategic bushfire management plan provides a response at operational and tactical levels. We did not have that before. The emergency management committee has been revitalised. I have seen it in action. Efficient internal governance structures have been established. The structures exist, and I have confidence in them.

Chief officers and deputy chief officers have been appointed for each of the services of the ESA. They are all equal. Under the ESP regime, the SES and RFS were not equal. They are now. A state of the art computer aided dispatch system, incorporating mobile

data terminals and automatic vehicle locations for both the ambulance service and the fire brigade has been implemented. It is being extended using an interface with the technology to provide the same capability for the RFS and the SES.

We participate in the National Aerial Fire Fighting Centre, which provides enhanced aerial firefighting capability. Members would have seen the two helicopters last week. We established a permanent emergency coordination centre. When the tsunami hit, the emergency coordination centre worked beautifully. When the storm hit, it worked beautifully. But we do not see Mr Pratt acknowledging any of this.

Mr Pratt bags the trunk radio network. It is being extended to improve operational coverage. A review of the organisational structure in each of the authority's response agencies is under way, as well as the introduction of joint operational plans. The services talk to each other. You will have seen evidence of that when the storms went through. The SES and the RFS worked beautifully together.

We have engaged the community through information, education and prevention activities. We put out information on how to prepare for bushfires to every home. Did Mr Pratt congratulate us for that? No. He bagged us. We introduced the all-hazards warning system, which was so successfully tested in the recent severe storms. We have provided extensive training for staff across each of the services in the Australasian inter-service incident management system. We have introduced several state of the art CAPS tankers to both the fire brigade and the RFS.

Our capability has increased exponentially. We established the media and community information unit to better manage the ESA's media liaison and provision of community information functions. McLeod said that we should do it, and we did it. The unit does extensive work, and what does it get for its trouble? Criticism from the man opposite.

We have enhanced computer-based mapping capability. Let us not forget that the ESA has not been sitting on its hands while undertaking these and many other activities. As always, our emergency services have continued to meet the tens of thousands of emergency calls for help from the community each year. It has done it in a timely, efficient and professional way.

Mr Pratt tries to find fault, but he cannot. He has taken an intense fishing trip through the questions on notice system. His questions have been incredibly detailed and the responses have been most appropriate. He has created almost the need for a full-time officer at the ESA just to respond to his questions on notice. One of the sad aspects of listening to the vicious, venomous diatribe from Mr Pratt—one hears echoes of the same thing from Smyth, and I would have expected better from the Leader of the Opposition given that he has been one of these people and understands them—is that Mr Pratt clearly does not understand the answers, and he purports to be the alternative minister for emergency services. Mr Pratt certainly has inspired the confidence of the ESA in his leadership!

Mr Smyth talks about the volunteers. Mr Smyth does not know anything about all the volunteers; neither does his shadow minister. He does not, for example, acknowledge that the guidelines recently referred to were developed in consultation with the volunteers association. He does not acknowledge that at all.

As I said recently, I have actually been around to all the sheds of all the brigades. I have presented myself to all the volunteers. I have had no-holds-barred conversations with them and been perfectly honest with them in my responses to them. I was warmly welcomed into those sheds and those brigades. They said to me—and remember that it was Mr Smyth who was the minister prior to 2001—“It’s really nice to see the minister come and see us in the sheds and in the brigades.” Mr Smyth went to Geysers Creek Rural Fire Services Brigade but other ministers of the Liberal persuasion were notably absent. They had no interest whatsoever in emergency services.

Mr Pratt seems to be making a professional attempt to alienate himself further and further from the emergency services organisation, and I for one am heartily sick of it. I only wish that Mr Pratt would realise the responsibility that he carries as the alternative emergency services minister and start to support those people instead of bagging them. He picks out the little thing that he is told is wrong, believes it to be gospel without checking it out and then bags the whole organisation in the process. Mr Speaker, the government will not be supporting one word of this motion.

**DR FOSKEY** (Molonglo) (11.27): While I have some sympathy with Mr Pratt’s motion, I do not think it is time to be holding a select committee inquiry into the Emergency Services Authority. My sympathy for the motion stems from the concerns raised around the ESA’s standard of governance, as evidenced in its 2004-05 annual report and discussed through the annual report hearings and media reports of volunteer dissatisfaction. I have to say, though, that I have not heard directly from any of those volunteers. I will reserve my opinion on those media reports until I have actually consulted more widely on the concerns that they raise.

There are also concerns regarding the lack of promised funding for community fire units and lack of progress in constructing a new ESA headquarters and training facility. The Auditor-General’s 2004-05 financial audit of agencies noted, in regard to the ESA, that the authority’s corporate governance framework is still developing; employee expenses were less than the amount budgeted by \$3.2 million as the authority did not fill all planned positions during the year; and the budgeted operating surplus was not achieved due to capital injection funding not being fully drawn down because of the discontinuation of two major projects.

When the annual report was produced, the ESA had only been established for a year. It would appear to be a bit presumptuous to set up a select committee inquiry into the authority’s still-evolving governance arrangements because the annual report is of a barely moderate standard. However, I am happy to put on the record that if, during next year’s annual report hearings, we find that ESA’s governance standards have not improved, I would be pleased to support a closer examination of its operations.

I do not believe that, in the first year of operation, \$3.2 million, or 12 per cent, underspending on staff is a sign of terminal mismanagement, but it does indicate an area to be watched closely. While I am concerned by the government’s failure to deliver funding for community fire units and to build the new headquarters, I know that these matters do take time and I do not think that there is sufficient cause for a select committee or an inquiry into the ESA. As Mr Pratt has apparently been doing, we can

continue to track expenditure and question the government more broadly through currently available Assembly mechanisms.

We must also consider the impact that the coronial inquest may have on the ESA's functions and policies. While the disastrous fires predate the authority's establishment, the inquest findings are likely to have implications for future operations. It is my view that this proposed select committee would want to take any findings from the inquest into account in considering the future operations of the ESA. Yet, if the inquest were not complete, or if the ESA had not had time to take those findings into account, then the committee could be simply wasting time chasing its tail.

Finally, I am aware of reports that some volunteers are disgruntled with the ESA, citing a lack of adequate resourcing, be it for the chainsaws or first-aid kits, and their limited capacity to speak out about problems. I acknowledge that relations between the professional arm of the ESA and its volunteers are hugely important if it is to function effectively. However, as I indicated before, it is only hearsay evidence at this point in time. If it were substantiated, yes, there would be cause for concern. I would say that there is a lack of clarity about relationships between professionals working in government departments and volunteers and this might be an area that needs to be clarified across government as a whole. This is particularly important in relation to emergency services.

My office will maintain an active interest in this aspect of ESA's operations over the next few months and I am quite prepared to revisit the matter in the autumn sittings, if necessary. I must just put it on the record that, while Mr Hargreaves does rail against what he believes to be Mr Pratt's excessive use of the question on notice system, I believe that Mr Pratt has a particular interest in the ESA and is within his rights, as a member of this place, to ask questions, annoying though they might be. It is still the role of people who are not in government to scrutinise the government's performance, and asking questions is a really important part of that.

So while I cannot agree at this time to establishing a select committee to examine the ESA, I would like to put on record my interest in the future management of the authority. I am sure that Mr Pratt will remind me of my interest regularly.

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.33): Mr Hargreaves, as always, misses the point. He refuses to address the substantive. He goes on the personal attack and issues a sermon but, at the end of the day, totally avoids the issue. Let me say, first and foremost, that this motion is not an attack on the volunteers. It is to support the volunteers, who have come to us because they feel that they are not being heard. They are saying that they have not been heard for some time on a number of very important issues, including adequate equipment, equipment replacement, logistical support, and the list goes on. I will go through the list.

Mr Hargreaves talked about Mr Pratt's diatribe. He said that Mr Pratt should learn respect and that he is dismayed at Mr Pratt's vicious and venomous bullying. It is good theatre when you do not have an answer to the substantive issues that have been raised in the motion. Mr Hargreaves is good on the theatre and very, very lousy on the content.

I want to read from an email I received from a volunteer. In the first paragraph he raises some issues and in the second paragraph he says, “Secondly, most of what has been claimed about the *Canberra Times* article is baloney. First step—read it. It does not denigrate our work.” That is the first point. Neither Mr Pratt, nor the *Canberra Times* or I have denigrated the work of the volunteers in the field. There is a great deal of respect for what they have done over the last three or four weekends.

The letter goes on to say, “It reports difficulties expressed by probably tired and maybe frustrated people who have worked their guts out.” That is why this motion is on the table today. I will read from a different email from another volunteer, who says, “So about the post meeting, the same issues will be raised as they have been in the past. And what action will be implemented? What we raised will be the same as previous operations. Meetings should lead to improvements. There are a lot of disgruntled members out there because they’re not being looked after.” That is the point of the motion.

When Mr Hargreaves does not have a substantive answer, he goes the denigration route. He picks on people for raising an issue that he does not want to answer. I actually sat in on the meeting between Mr Pratt and half a dozen volunteers. They raised issues like equipment and backup and support, and the lack of it. The chainsaw chaps that needed to be replaced were not replaced. This is essential, personal, protection equipment that, under the OH&S act, should be worn when using chainsaws. One of the emails I got said that “chainsaw PPE remains not adequate”. So chainsaw personal protection equipment is not adequate. Another example is 10-year-old helmets. Another example is that earmuffs were promised six months ago.

This is pretty basic, Mr Speaker. You were in the fire brigade. You have worn and used this equipment. You know that after a certain time safety helmets lose their strength and if they are not replaced regularly they place officers at risk. This group relayed the story of a tile that flew from the roof of a house during the weekend and fell on the helmet of a young volunteer. Thank God she had a helmet on. It cracked the helmet. When they returned to the stores, the officer in charge said, “Go and get yourself a new helmet. That helmet is now not compliant with OH&S.” When she went in to get a new helmet, she was told that because of “budget constraints” she would not be given a new helmet.

Budget constraints stopped an officer from having the personal protection she not only needs, but also deserves. In some dismay she took the helmet back out to her captain and said, “I can’t have a new one.” The captain, I think very wisely, put the helmet on the ground and jumped on it. He said, “Here. Take that back to them and you’ll get a new one now,” which she did. That is the dilemma that these people are facing. They do not ask for much. They do not want much. They just want helmets that will protect them when they go out on the job. That is what we are talking about, Mr Hargreaves. That is the level of the issues that affect these people that you have chosen to ignore today.

As you would know, Mr Speaker, a lot of sandbags are used in these sorts of operations. Where was the sand from the sandbags put? It was put out at the Gungahlin JESC. So if you are operating in Woden and you need sand to fill sandbags to anchor things and protect houses, you will have to drive all the way to Gungahlin, fill your trailer or whatever it is you are using, and then go back to Woden. They were saying that

somebody should have thought about this. They said that there was difficulty, time and time again, with getting spares or replacement equipment.

The issue of the elevated work platform came into the conversation with the various officers that we spoke to. They said, "It is not the Bronto." I notice that Commissioner Dunn has said, "But we have got a Bronto." You know yourself, Mr Speaker, as a former officer of the brigade, that the Bronto cannot go everywhere and cannot do every job. Sometimes an elevated work platform is the most useful piece of equipment that these guys can have. Mr Corbell had two elevated work platforms to put the star up on the Christmas tree, one for him holding the star and one for the media taking pictures of the minister. They managed to get two elevated work platforms to light the Christmas tree.

But on a day of high risk and high danger, volunteers did not have access to an elevated work platform. That is what they are asking for—the basic equipment to do their job. The arrangement is that, if you need one, you can go and hire one off Kennards or any of the other firms, but they are not open at 11 o'clock at night. To leave a tree hanging, resting against a house or about to fall for any period of time puts more people and property at risk—for the sake of an elevated work platform. The government can arrange two to put a minister into the air with media to catch the very important placing of the star on the Christmas tree, but volunteers cannot have them.

The list goes on and the time is short. Another issue that the volunteers raised is some of the procedures put in place. It is great that we have got policies and procedures, but they have got to be practical. On the Sunday one of the team leaders was a professional tree feller. But there is now a standard operating procedure that says team leaders cannot do the manual work; they are there to supervise. This is the most experienced individual in the brigade and, on the day, he was one of the most experienced individuals with this group but he could not use his chainsaw skills because they have put inappropriate policies in place. I understand that a number of the captains went back out as ordinary members of the teams so that they could use their skills. They told us that they are actually being deskilled because the people with the most experience cannot be used because they have risen in the ranks to positions of authority. So we have got to have some flexibility there.

The list goes on. Out-of-date equipment was mentioned a lot. Apparently we are still using pole and camper stretchers. Most other brigades got rid of those years and years ago. They use very specialised stretchers that slide under people and then wrap around them to give them better protection and provide better access. That is a problem. It takes time to get stores. I saw a request to replenish a first aid kit. It took up to three months to get those supplies. That is a problem. The government should be voting for this motion because the minister does not understand what is going on—

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MR SMYTH:** I would like now to talk about governance. Mr Hargreaves misses the whole point when he waves about his copy of the auditor's report No 7. Mr Hargreaves, just because the auditor has signed off on the accounts does not mean that all is well. All it means is that the accounts were prepared in accordance with the accounting standard

and that they reflect the underlying economic reality. Things like issue of risk and internal governance are not the concern of the Auditor-General when she is auditing the annual reports. If you want, we can get her to do a performance report, but that would be a different subject.

Our concern is with the governance. This is one of the largest government agencies. It has an appropriation of \$52 million and for its entire first year it did not have any internal audit function. How you can possibly not have any internal audit function for an agency whose first year budget was truly concerned in the main with procurement and staff recruitment is beyond me. I have been through the accounts of the ESA and I am concerned that, for instance, non-current assets are not recorded correctly. Indeed, there are some \$30 million of non-current assets accounted for. And so it goes on.

I just want to read finally an email from one volunteer to another that I have had forwarded to me. He said:

Our points for the meeting will include:

There have been a number of meetings this week, and there are four dot points. They are:

Poor catering, not just Friday/Saturday but into Sunday (Woden crews went 12 hrs then had to self cater!)

Chainsaw PPE remains not adequate—ten year old helmets are an example—ear muffs promised 6 months ago

Little regard for proper crew duty considerations—work them as long as they can, or until the members say enough! Shouldn't be up to the commanders to call them off but that's what I had to do—cruise around tasks and pull people off roofs to get them home ...

Roof safety systems still dependent on each member supplying their own ...

Those are just four dot points out of another email that I have received. That is why it is important that we get this inquiry up. That is why there should be a select committee. We should not have diatribes and sermons from the minister. We should have the minister asking questions of the people he is responsible for as to why they are not getting the services that they require to do their job properly because, after all, often they just do it for a cup of coffee.

**MR PRATT** (Brindabella) (11.44), in reply: The opposition has, regardless of what the minister said, nothing to apologise for in moving this motion. We have nothing to apologise for in terms of the stern language we have used to highlight these issues. Earlier, the minister accused me of using inappropriate language. However, my language when giving a speech is always much more parliamentary than Mr Hargreaves's, especially when he attacks opposition members with such personal insults. Of course, he only does that because he cannot answer any of our questions and he cannot answer any of the concerns we raise. We know the barometer is there. We know when our questions cannot be properly answered. I have had to ask more questions on notice than anybody else because the answers I get back from the government do not actually give all of the answers; they do not give definitive answers.

That goes to the heart of the motion here today: we do not get definitive answers back. We get the smoke and mirrors stuff; that is all we get. The fact that neither I nor the community can get any proper answers from this minister is the reason we continually ask questions on notice and questions without notice and, where necessary, submit FOI requests.

If this minister practised open and accountable government, as his government said that they were going to do, I would not have to put so many questions on notice. Mr Hargreaves, even now, refuses to give any real reason as to why there should not be an investigation into the ESA and its financial practices. Mr Hargreaves's response speech was just a broadside of the normal John Hargreaves language. It was not a response that defined answers to the charges that we are laying here today. Not once in his response was he able to dissemble any of the arguments that we have put up today justifying why there needs to be an inquiry in this place into the efficacy and the procedures, the management, the support and financial management of the Emergency Services Authority and its agencies. He just did not do that.

This is why the government has a problem with this minister, the community has a problem with this minister and, indeed, the men and women of the Emergency Services Authority and its agencies have problems with this minister: he just does not go out there and scrutinise and inquire as to how well his own bureaucracy is performing. By not so doing, we see Mr Hargreaves repeating the failures of the Chief Minister and this government in January 2003—the failure to maintain an inquiring mind; the failure to go and scrutinise how well the then Emergency Services Bureau was preparing for that bushfire disaster coming upon Canberra; the failure by ministers to inquire of their bureaucrats and their senior public servants how well the agencies were performing and what the fire intelligence actually meant. This is an example of the concerns raised then. The opposition does not want to allow those concerns to continue and that is why we have moved the motion today, to ensure that we get some accountability on what is going wrong.

The minister has not explained at all why there are no internal audits. He says that the Auditor-General can turn up whenever she likes to audit. That is not the point, minister. The point is that, when the Auditor-General turns up to audit an agency, she wants to see and know that those agencies have already conducted their own internal audits, their ongoing financial and operational audits, so that they can self-audit. She needs to know that. If she sees evidence of that, she will be perhaps reporting more favourably—and this is not the case for the Emergency Services Authority.

Picking up on a point the minister made earlier: I did say in 2004 that the then minister for emergency services had introduced new legislation that definitely looked as if it was going to streamline and improve the old Emergency Services Bureau bureaucracy. I did say that, and it looked pretty good to me. The new Emergencies Act 2004 and the instruments therein, and the designs for what the new organisation was going to look at, while I did not think they were particularly perfect, certainly went a long way. But there is a very significant difference between what a government might lay on this table in terms of the concept of what they are going to introduce and then how well they implement it. That is the concern that we have: did they implement that legislation? Did they effectively ensure that the recommendations and the lessons coming out of the

McLeod report and other community feedback coming out of January 2003 were being properly implemented? When they then appropriated the funding to implement those recommendations, did this minister—or, at least, his predecessor, and now him—go in and scrutinise to ensure that every dollar was being spent wisely? The answer, I would put to you, is no.

The minister made the comment that I was “bagging out” the TRN. I am bagging out the TRN, apparently. But I have not bagged out the systemic concept of TRN. I have not bagged out the concept of a new trunk radio network. I have bagged out this minister’s failure to roll out the trunk radio network on time and to the full extent that it was designed for. One would expect RFS and SES units to continue using their old VHF command network to overlap the introduction to service and the full implementation of the new trunk radio network for about a year; you would expect that, wouldn’t you? You would expect that they would be allowed to use their old VHF system to overlap the new system for a reasonable amount of time. But what do we see? We see that RFS and SES units are still dependent to a significant degree on the old VHF command network because there are gaping holes in TRN. Why is that? I bet you it is because not all of the 22 base stations have been deployed, and we are talking about 22 base stations that were defined on the list that justified the appropriation of a significant amount of money. Why? I bet it is because that money has gone west—the money has gone west, and the system of those base stations has not yet been fully rolled out.

**Mr Hargreaves:** There’s another one—unsubstantiated.

**MR PRATT:** Show me where you have 22 base stations.

**Mr Hargreaves:** Substantiate your allegations.

**MR PRATT:** Show me where you have 22 base stations. You cannot.

**MR SPEAKER:** Order! Mr Pratt, keep your comments through the chair. Mr Hargreaves, cease interjecting. A little less finger pointing would be helpful, too.

**MR PRATT:** Let us talk about FireLink. Why was there a single select tender for FireLink? The minister argued that this was needed so that the system could be rolled out for the 2004-05 fire season. Now we find it is not even ready for the 2005-06 season, and it will not be commissioned until 2006-07. You justify that in terms of a single service tender. Why the single select tender when there should have been a competitive tender? These are very serious and important questions about how we budget manage, how we project manage and how we properly tender in an accountable fashion, to make sure that not only are all possible capabilities canvassed, to make sure that we get the best capability for the money being spent—that is what the residents of the ACT want—but also that financial systems are properly managed and that there is no question of integrity about how those have been managed. You and your agency leave lots of questions hanging in the air, minister, about FireLink, and we need to know a lot more about it.

I celebrate the point raised by Mr Smyth about the volunteers emailing him who have objected to the government’s language—perhaps even the commissioner’s language—criticising the *Canberra Times* article: “It was denigrating volunteers.” What a lot of

garbage! The attacks in that article, the concerns that we raise, are bagging you and your systems, and the failure of your agencies to support the men and women in the field.

The opposition is concerned that the lessons of systemic failure and general administration, so clearly highlighted by McLeod, have not been implemented, and that is why we want to see the ESA put to a committee for inquiry. I commend the motion to the Assembly.

**MR SPEAKER:** The member's time has expired.

Question put:

That **Mr Pratt's** motion be agreed to.

The Assembly voted—

Ayes 6

Noes 9

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

Question so resolved in the negative.

Motion negatived.

### **Executive business—precedence**

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

That executive business be called on forthwith.

**DR FOSKEY** (Molonglo) (11.59): I have been misled, Mr Speaker—confused and misled—and I just want to register confusion. I will explain that. I was looking at the notice paper today and I saw that the Standing Committee on Planning and Environment's report 18 on draft variations to the territory plan No 165 was going to be brought on for debate. People probably noticed that I was absent from the first part, preparing my response to that. Then I arrived down here and was informed that Mr Corbell planned to bring on executive business. He had consulted the opposition but had not informed me. Had I been informed earlier, no doubt I would have been able to be present at the first part of today's sitting.

When I heard Mr Corbell extend this part of the business for half an hour, I assumed that he had taken on board my concerns and I would be able to give my speech. I was spoken to by the Labor Party whip and told that Mr Corbell was not going to call on executive business. I did not leap to my feet, because I had been told that this business was on again. I just want to register my concern that I am not consulted when decisions like this are made between the opposition and the government. My office and I work extremely

hard trying to keep up with everything that is on the notice paper. I register that concern here, and I am going to vote against the motion that we go straight to executive business.

**MRS BURKE** (Molonglo) (12.01): I have to agree, in part, with Dr Foskey. Although the government whip and I have had extensive discussions this morning, I have to say that the organisation has been shambolic in terms of what was preorganised by the government with the opposition members and possibly the crossbench members. I have to say that, whilst I will agree with executive business being brought forward as agreed with the government whip, I also have to take on board the crossbench comments and note for the public record—

**Mr Quinlan:** You agree with everybody.

**MRS BURKE:** Yes. It may not matter to you, Mr Quinlan. In your arrogant way, it may not matter to you, but it certainly does matter to the opposition and crossbenchers. I know that the government would like to feel that we are all irrelevant in this place—but, too bad, we are not. So I just register my agreement with Dr Foskey in certain areas. I also say that we have had discussion, but it was brought on a little late and a little rushed and it just seems to be a little all over the place today.

**MS MacDONALD** (Brindabella) (12.02): I want to make a couple of comments because Dr Foskey has raised some points about not being kept informed and being taken for granted. I think that is the general thrust of what she has just said. Mrs Burke has made a couple of comments that I need to respond to as well.

I would say that on any given sitting day the daily program is fluid and is subject to change. I appreciate that Dr Foskey is a little bit annoyed because she had been absent from the chamber, writing a speech, and I am sorry that I had not passed on the intention. But I only became aware of it late. We are trying, as I have explained to Dr Foskey and Mrs Burke, to get through as much business as we can, this being the last sitting day before Christmas, in order that we can go to the adjournment debate early, for which I will be moving a motion later so that everybody can be allowed to make a speech.

I endeavour as the government whip to speak to all parties, but sometimes there just is not the time to get everything across. I have been running around this morning, trying to speak to parties, and there has been quite a bit of confusion about what has been going on; I do not deny that. But there was certainly no intention to take Dr Foskey for granted. So I just wanted to put that on the record, and also put on the record that on any given sitting day the daily program is a fluid matter and is subject to change. Members need to keep this in mind. The role of the whips is to try to keep people informed. Dr Foskey needs to keep that in mind, and it certainly was not the case that we were trying to take her for granted or to injure her.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (12.05), in reply: I understand Dr Foskey's concerns. However, the time allotted for Assembly business would have expired had I not called on executive business at 12 minutes past 12 today. That would have permitted only one speaker effectively on this motion. I think it is more appropriate that, when this debate is called back on, there is sufficient time for the debate to be concluded in a single period rather than just having one more speaker. So that is the reason I chose to take that course of action—that combined with the fact

that there are a number of items of executive business that the government wishes to deal with today.

Question resolved in the affirmative.

### **Sitting pattern—2006**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (12.06): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2006:

February	14	15	16
March	7	8	9
	28	29	30
May	2	3	4
	9	10	11
June	6	7	8
August	15	16	17
	22	23	24
September	19	20	21
October	17	18	19
November	14	15	16
	21	22	23
December	12	13	14

The Assembly sitting pattern has been the subject of advice and opportunities for feedback from all members of the Assembly. I note that Mrs Burke is proposing to move an amendment, based on a request she made to me as manager of government business within the last week or so. I have advised Mrs Burke that we are, regrettably, unable to agree to those changes because of other commitments, particularly in relation to ministerial council meetings and so forth, that ministers have. It is unfortunate that Mrs Burke has chosen to move this amendment but that is her prerogative and we will deal with that in the debate.

The sitting pattern for the coming year maintains effectively the same number of sitting periods as for this year, with the exception that the government is proposing not to proceed with the regular sitting on Friday morning, given that business is being

conducted in this place quite effectively in terms of the utilisation of time and it would seem unnecessary, given the number of Friday sittings that have not been proceeded with this year. I commend the sitting calendar to members.

**MRS BURKE** (Molonglo) (12.07): I move:

Omit:

November	21	22	23
December	12	13	14

Substitute:

October	24	25	26
December	5	6	7

I believe the amendments to the sitting pattern 2006 that I have moved are practicable and workable. How can I say that? What strikes me is: if members of the federal government can organise themselves to manage to attend necessary ministerial councils on sitting weeks, how come we cannot do that in a small jurisdiction like that of the ACT?

I have in front of me the sitting pattern for the federal parliament next year, and it would seem to me that we and ministers here would certainly be able to fit in with the pattern of ministerial council meetings and so forth. I have to say, from where we sit on this side of the house, that it simply is bad and poor management and planning on the part of the manager of government business not to get his house in order. As I said, with the extreme case workloads of federal ministers, if they can attend sittings and ministerial councils, working with their bureaucrats, surely we can do that in the ACT.

Initially, I was given two reasons that this altered pattern could not be agreed to. One was that it would be difficult for the public service and the other was that there are ministerial meetings to attend, which Mr Corbell has just alluded to. I find those both really pathetic reasons not to have worked a little harder to bring our timetable into line with that of the federal government.

Another point worthy of mention is, as Mr Corbell has said and Mr Quinlan accepted with some glee, the absence of Friday sittings. It would seem that we have a four-year Assembly here and we are stretching three years of work formerly into four years. Is that perhaps the reason? It seems that we are doing less and less work in this place—more and more federal bashing but less and less focus on local issues, which is rather disappointing.

I note again the lack of Friday sittings and perhaps some unwillingness of the government to even consider looking at the suggestion of moving these dates. Does this indicate another slack year from the government? Is it a further indication of a slowdown? Are we on a go-slow? I will not go on too much more—I will not prolong the debate—but I understand the government will not be supporting my amendment. For the public record, I think it was workable, it was manageable—and it just shows to me that we have poor, bad management here if we cannot organise ourselves when the federal parliament can.

**Mr Quinlan:** I missed the reason.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (12.11), in reply: As my colleague Mr Quinlan points out, I think quite pertinently, the opposition have not really explained why they want to move these dates; they have just said it is not fair that the government has not agreed to their amendment. But what is the reason for the date change? Is there a practical reason? Is there an issue around the availability of opposition members, et cetera? None of those reasons—in fact, no reason—has been given for this.

In relation to some of the other points Mrs Burke has made: on the issue of availability, obviously in a small Assembly, with a limited number of ministers, if you have more than one or two ministers away at any one time it really creates serious problems for the workability of this place, and that is in marked contrast to the federal parliament, where there is a large number of ministers, both senior cabinet ministers and junior ministers, available to sustain the business of the house if one or two ministers happen to be away. As we know, a prolonged period of absence by any minister in this place makes question time and a whole range of other activities much more unworkable, and I would have thought that would have been obvious to all.

Finally, Mrs Burke says we are not doing enough work. Mrs Burke has not exactly proposed to increase the number of sitting periods. I would have thought, if that was her complaint, she would have taken the opportunity in moving her amendment to increase the sitting periods. So we have no reasons as to why these dates should be moved, no reasons at all, we have no recognition of the need to ensure the workability of a small Assembly with a small number of members, and we have no recognition of the fact that, if their concerns about the period of sitting dates were legitimate, they would suggest doing something about it.

The sitting calendar is comparable to that of previous sitting years. The most notable change is the decision not to proceed with Friday sittings and also, obviously, the proposed change to the budget period. But this is a comparable sitting pattern to previous years and again I commend the sitting calendar to the house.

Amendment negatived.

Motion agreed to.

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

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

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (12.14): This bill introduces nine amendments, seven of which the opposition is pleased to be able to support. I will deal briefly with the seven improvements and come back to the two that we do not support. We acknowledge the need to align the definition of general insurer in the ACT Duties Act with the definition in the commonwealth's Insurance Act, the salient point being to require general insurers

to be authorised. We also see that it is tidier to broaden the definition of insurer to include all persons who write general insurance. The opposition supports waiving of duty on the cost of specific modifications to a motor vehicle to accommodate the needs of people with a disability. There is an anomaly at present, it would appear, in that after-market modifications do not attract duty but duty is paid on the total value of the vehicle when those modifications are installed as original equipment.

There is confusion in relation to this issue. I have just had a call from the president of the motor trades association, who is scrambling to get across this legislation. Regrettably, they have not been consulted and are confused. I have had a lengthy discussion with him and have just sent him a copy of the bill, but I would hope that the Treasurer will address the issue of modifications. He has put the view to me that, at present, modifications made are not subject to the duty. My reading of this bill would be that not only is the list price becoming a new measure but also modifications are now going to be taxed where they were not previously, but there will be an exemption for people who have a disability. We need to clarify whether this is a double whammy in terms of tax collection. Certainly, the industry is in a state of some confusion on this. But we certainly, obviously, support the waiving of duty on the cost of modifications, regardless of when they were fitted, for people with a disability.

Turning to the amendments to the Rates Act and the Land Tax Act, it is reasonable that the Commissioner for ACT Revenue be able to recoup costs already incurred in relation to a proposed sale that was abandoned because the rates had eventually been paid. Also, the opposition supports allowing the proceeds from the sale of one property to be used to recover arrears on other properties owned by the same person. This amendment removes the need to sell each property to recover arrears on those properties, so it is a sensible tidying up.

The third amendment to the Rates Act allows the revenue commissioner to defer the payment of rates without an application if there are exceptional personal circumstances. The circumstances are not listed, but I understand they relate to situations where a person is unable to make an application, and to personal issues, which may be subject to privacy conditions. If the revenue commissioner decides to defer rates without an application, it will still be subject to the normal objection and appeal rights.

The opposition also supports not-for-profit training organisations being granted an exemption from payroll tax. This change should lower the cost of training and therefore assist in overcoming the critical skills shortage facing the people of Canberra.

The remaining changes to the Duties Act are not positive steps. The government proposes to use the list price as the reference point for calculating duty on the registration of a motor vehicle not previously registered in the ACT. At present, duty is based on either the actual purchase price or the market value, whichever is the greater. The wording is sloppy, because of ambiguities about what the market price is. The question arises: is it the average sale price for identical vehicles for a month or on the day? Is it the NRMA's estimate of sale prices? Is it the price from Glass's black book, which many dealers use? Is it derived from prices posted on internet sites such as drive.com.au? In any case, the so-called market price, as used in this context, will always be a shadow price; it will never be the real price.

Ultimately, of course, the only price that matters and can be confirmed is the actual sale price. The only true market price is the price at which a transaction takes place; that is, it is the sale price. In the case of a house, for example, estimates of value may be based on actual sales for a month. So a prospective buyer may start by looking at sale prices for a particular area and use that to set a so-called market price. But that does not mean that that market price necessarily applies to a particular house at a specified time. That is why the tax, the conveyancing duty, on the sale of a house is based on the actual sale price.

It follows, therefore, that the government, in trying to establish a valuation for imposing its registration tax on cars, should drop completely the notion of market value, because it is so imprecise. How do you know if you are comparing identical vehicles, and how do you know if the basis of the estimate of the valuation in a particular case is valid? In order to remove the scope for confusion, the words "market value" should be deleted and replaced with "actual sale price". That is the only price that matters. Since duty on sales of ACT registered used vehicles will continue to be based on the current system, I would suggest to the Treasurer that the current system would be greatly simplified and improved by using sale price as the basis for levying all of these duties. Any other reference price is fictitious.

**Mr Quinlan:** You'd have to trust people then.

**MR MULCAHY:** The Treasurer says that we need to trust people. I think that there are adequate mechanisms to deal with fraudulent reporting of transactions under a range of tax administration laws that exist in the territory, and I do not think that, in effect, to fleece people with a high rate of tax is justification for coming up with a fictitious base on which tax is applied; that is certainly the sentiment I am hearing widely from those with whom I have discussed it this week. To assist the Treasurer, I will move an amendment at the detail stage of this bill to define dutiable value as the consideration given for the acquisition of the vehicle; that is legal speak for purchase price.

The problem with the government's move to use the list price for new vehicles is that the list price can best be described as a hope. Again, using the example of a house, you may list it at, say, \$400,000, knowing that you will never get that price, and might finish accepting something more like \$320,000. If you can take it back to the example of cars, the present list price for a base-model Commodore, I understand, is about \$32,000 to \$34,000, but dealers will sell them for as little as \$28,000, especially with the year end approaching, in an attempt to drive volume at this time of year.

The list price is defined in the bill as the price posted as the retail selling price in the ACT by the manufacturer, importer or distributor. The Treasurer says that his reasons for using the list price are to avoid inequities created from the broad range of prices declared for new vehicles and the problems in determining a universally accepted market value. My comment on that is that the Treasurer is being unrealistic if he thinks there can ever be a universally accepted market value. Prices are always changing to reflect hundreds of factors, and they result consequently from variations in supply and demand. The disparity is in duty paid because one buyer has greater negotiating power than the other. Again, I would say: why should one person be unfairly targeted because they are able to negotiate a lower price than the next person? This approach of uniformity is grossly unfair. It is almost an attitude of: don't let anybody get ahead; keep everybody at the

position where they are at. If somebody wants to purchase two vehicles, it is not unreasonable that they would expect to secure greater discounts, as applies in every other area of commercial activity in our society. Yet the government says, "We are going to tax you as though those negotiations never occurred and disadvantage you."

The other argument that was advanced was the fluctuations due to seasonal price variations this is designed to address. The fact is that prices of many goods and services fluctuate from season to season. They fluctuate from factors in the economy. We are seeing, for example, a fall-off, I understand, in sales of four-wheel drive vehicles and cars that have higher fuel consumption, because of the current price of petrol in the retail areas in Canberra and elsewhere, and this will impact on prices. But it is no reason to assume that such movements are undesirable or should be avoided. I do not see that this principle that is being established here has any justification. It is not applied to the rest of society where we pay taxes based on housing—goods and services tax, which the territory of course is the beneficiary of. We do not pay GST based on what somebody would like us to pay for a particular item. So it is a very bad precedent being established and it is not good law.

Another reason given for this measure was the impact on sale prices of manufacturers' incentives to dealers to increase turnover. Discount pricing is a common and effective way of increasing turnover, and I do not understand why we would try to avoid it. You wonder where this sort of mentality goes. There is nothing wrong, I suggest, with price incentives to increase turnover. If businesses and manufacturers see this as a way of improving business, let us encourage them—not put roadblocks in the way with ACT punitive tax measures.

The Treasurer has argued that basing duty payable on the list price will ensure that similar amounts of duty are paid on similar new vehicles regardless of pricing variations and the bargaining power of the purchaser. He says also that it will reduce compliance costs, create administrative efficiencies for the government and increase certainty for taxpayers. I note that he puts administrative efficiencies for the government well ahead of the interests of the people who actually buy the cars.

The move he proposes will in fact complicate administration, because there will now be a separate system for new cars and used ones. Under the current scheme, duty on all vehicles is calculated on either purchase price or the estimated market value, whichever is the higher—and, notwithstanding my view on the deficiencies of that term, market value, there is at least uniformity between new and used cars. I understand the Treasurer is proposing to keep used vehicles as they are but to complicate the system by creating an additional system for new cars. I do not understand how this particular measure is beneficial in any way and I would urge the government to consider the amendment we are putting forward and to tax all vehicles on the same basis.

I also note that the Treasurer argued that this change would bring the ACT into line with Queensland, South Australia and Western Australia. The advice I have received is that this information is quite inaccurate. The fact is that in both Queensland and South Australia duty is calculated on either market value or the sale price, whichever is greater.

In fact, from the research my office has undertaken it would appear that only Western Australia has gone for this list price option that is being advanced by the ACT government. I would hope that the Treasurer, unless he has information to the contrary, will correct that inaccurate information that was contained within his tabling speech.

The other important issue on this bill is the proposed requirement to register for payroll tax. There is an increased compliance burden from requiring every employer whose payroll exceeds the monthly threshold to register with the revenue commissioner and be fined up to 250 penalty units, which is about \$25,000 for an individual and could be up to as much as \$250,000 for a corporation, if he or she fails to register within seven days after the end of the month. Since section 16 of the Payroll Tax Act 1987 requires every employer whose monthly wages paid exceed the tax-free threshold to submit a payroll tax return, nothing seems to be gained from an additional requirement for registration. I have raised the question with the Treasury officials, through Mr Quinlan's office, and have asked why the payroll tax return cannot be deemed to be an automatic registration. These matters are under consideration, I understand, but I do not think they were warranted to be introduced in this legislation.

Current practice is for an end-of-year adjustment in payroll tax payments to take account of variations in wages paid from month to month. The system is self-correcting and there is nothing to be gained from making it more onerous by having to register within seven days, especially for businesses that are just becoming familiar with payroll tax and are new entrants, if you like, to this tax administration. Again, the Treasurer's argument for the amendment is that it will bring the ACT into line with other jurisdictions and with the registration requirements of other ACT tax returns. He claims as benefits the opportunity to obtain greater levels of information from companies and the increased capacity of the revenue office to target compliance activities.

The government's proposal is in fact anti-business. It adds to paperwork, red tape and compliance costs and runs very contrary to the views constantly espoused by the government that they are a business-friendly government. I say it is anti-business, because for the first time it threatens individuals with penalties of \$25,000, and vastly more than that for corporations, if they fail to comply within seven days of lodging this registration. It is an overreaction, it is an extreme penalty that is being applied, and it is not one that the opposition in any way could support.

In order to lighten the burden on business, I foreshadow amendments to the Payroll Tax Act to remove the registration requirement, noting that employers who lodge payroll tax returns are immediately recorded on the revenue office's database, and to extend the time in which payroll tax returns must be lodged to 21 days after the end of the relevant month, noting that the government is currently having discussions with other jurisdictions about extending the lodgment time for returns. It is not unreasonable to give people 21 days after the end of the month. Seven days is extreme and I would suggest that it is not a time frame that is fair to business. When one attaches the severe penalties that are contained within the legislation, it is, I would suggest, a gross overreaction.

*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 12.30 to 2.30 pm.**

## **Questions without notice**

### **Capital works projects**

**MR SMYTH:** My question is to the Chief Minister. Chief Minister, in the Auditor-General's report on the 2004-05 financial audits, which was tabled this week, the auditor noted that the overall cash flow position in the ACT in 2004-05, after taking into account the funding necessary for operating and capital activities, was in a deficit of \$116 million for the first time since the data was recorded in the 1996-97 year.

The auditor also commented that to have the ACT return to positive net cash flows "will depend on the government's ability to achieve a steady growth in net cash inflows from operating receipts and a substantial reduction in expenditure on capital activities". Chief Minister, what action will you take to initiate the reduction in expenditure on capital works?

**MR STANHOPE:** I thank the Leader of the Opposition for the question. I thank, as always, the Auditor-General for the sort of groundbreaking insight into what you do if you believe you are suffering an issue in relation to cash flow or balance: either you spend less or you save more, or a bit of both. It is really insightful stuff this. It really goes to the heart of the decisions that governments have been making for thousands of years. It really is reassuring to have this bit of insight that the Auditor-General brings to the equation actually understood and acknowledged by the Leader of the Opposition.

What this government will do, through the cabinet budget process, as it has done in each of the years in which it has been in office over the last four years, is prioritise. We will look at this government's priorities, the priorities that the community represents to us. We will go through a very thorough and vigorous process, as we do each year, to ensure that Canberra remains the vital, energetic, well-managed, well-governed place that it has been for the last four years.

I think it is relevant, in the context of this being the last sitting day of the year, to acknowledge just how well the territory has performed in the last four years—four years of unparalleled growth. I do not think there is a single person in this place who, upon walking out of the doors of the Assembly and looking around at the skyline, would not think for one second that the ACT at the moment is enjoying a period of unparalleled growth and vigour, never before seen.

**Mr Smyth:** Why are you in deficit then?

**MR STANHOPE:** I have been a resident of Canberra for 35 years and I have never, in my 35 years of residence in the Australian Capital Territory, seen the economy performing in the way that it is performing now.

**Mr Mulcahy:** Where's the surplus?

**MR STANHOPE:** I have never been aware of the level of energy, the level of—

*Opposition members interjecting—*

**MR STANHOPE:** commitment, the level of satisfaction and of confidence shown in the territory by the business and private sector in the ACT.

**Mr Mulcahy:** The federal government has done pretty well, Jon.

**MR STANHOPE:** Just go outside, gain a vantage point and look around the horizon. Just look around the horizon.

**Mr Smyth:** I raise a point of order, Mr Speaker. The question was not about the view outside. The question was: what actions are you initiating to reduce expenditure on capital works?

**Mr Seselja:** He doesn't know; he can't answer.

**MR SPEAKER:** It is fair enough to ask the Chief Minister to come back to the subject matter. But it is fair also for the Chief Minister to reflect on the economy generally in response to the question.

**MR STANHOPE:** Thank you, Mr Speaker, and I am and with pleasure. I do not believe that there has ever, in the 35 years that I have lived in Canberra, been the explicit level of confidence that there is currently in this community in the territory and its future. Just walk outside and walk around. Walk out this door into Civic Square and gaze around. Just gaze around, look at the level of confidence, look at the level of activity, look at the level of development and seek to imagine, if you can—

*Opposition members interjecting—*

**MR STANHOPE:** the implications of that for the economy of this territory, the strength of the economy and the confidence that the people of Canberra have in this government and in this economy, and the expenditure at unprecedented levels in the future of Canberra. Of course, it does not stop at just what one can see by taking the trouble to walk outside. But it is interesting, in the context of the question coming from the Leader of the Opposition as of today, to reflect back on the approach that the opposition would have taken to the economy, and of course the essential Keynesian approach, as espoused by the Leader of the Opposition, about the need to simply spend, spend, spend as a way of assuring our future.

**MR SPEAKER:** Order!

**MR STANHOPE:** Our economy is performing at a level—and it is reflected, of course, in the fact that—

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

**MR SMYTH:** I have a supplementary question, Mr Speaker. Chief Minister, given that you made a commitment to fund a substantial capital works component in your 55

outstanding election promises, when you prioritise which existing capital works projects will you abandon?

**MR STANHOPE:** I do not think it is fair to say that the government intends to abandon any capital works project. The capital works projects that we have committed ourselves to, the capital works projects that we have undertaken as part of our formal promises, will all be delivered. It has to be said, in relation to documents that the opposition relies on in relation to this, that the documents prepared by Treasury, in draft form, as a precursor to advice that was later formally provided to the cabinet. They contained a number of expressions of view or opinion by Treasury officials about the potential cost of initiatives that are on the table.

One that appears and features within that draft documentation—drafts that, of course, were never provided to the cabinet—is the issue of, for instance, the Belconnen to Canberra busway. The minister has stated repeatedly in this place that to date the appropriation or the funding provided for that project is funding restricted to the design phase of the program. The cabinet has never taken a decision to fund that particular program.

**Mr Smyth:** Are you backing away now?

**MR STANHOPE:** This, of course, is one of the so-called 55 projects that the opposition insists, revealed by leaked draft documents—

*Opposition members interjecting—*

**MR STANHOPE:** indicate commitments by the government to expenditure on capital programs.

**Mrs Burke:** Do you deny—

**MR STANHOPE:** I do. The cabinet, the government, has never undertaken, has never taken a decision, to fund the Belconnen to Civic busway—never.

*Opposition members interjecting—*

**MR STANHOPE:** Yet this is ratcheted out time and time again over the last couple of months, since the document was revealed, as one of these 55 promised funding projects—

*Opposition members interjecting—*

**MR STANHOPE:** and it is simply not true. Go back and find that anywhere in the cabinet papers—a commitment by this government to fund that particular project. It is a project that we are committed to—

**MR SPEAKER:** Order! Chief Minister, resume your seat. The opposition will come to order, please!

**MR STANHOPE:** By way of example, it is a project to which the government is committed. In the context of our commitment to sustainable transport and the future of the city, it is the sort of work that must be done. We simply cannot claim the mantle of a sustainable city, we cannot possibly meet the targets that we set ourselves in relation to greenhouse gas emissions, if we do not truly embrace sustainable transport. But, in the context of the question asked and the banter and the extent to which the opposition mislead continually the people of Canberra around promises made and funded, this is one that is used constantly and repeatedly, and it is false. It is simply not true. So the question that was asked today is based on this falsehood, on this false premise—

**Mr Corbell:** Not again?

**MR STANHOPE:** Yes, again, another falsehood, just like the waiting lists. Mr Smyth has a problem with numbers. He has a problem with numbers in relation to the waiting lists and he has a problem with numbers in relation to leaked draft cabinet documents. This government—I use this by way of example—has never, ever promised to fund that busway. We promised to fund the design. We promised to fund the design for the future, as we should, in the first instance to ensure, at least, that the planning work is done and that a busway is protected on a confirmed route. The work needs to be done at the outset. We had this debate yesterday, of course, in relation, for instance, to City Hill. It is remarkable to see this question today, and the mock hilarity, in the context of the debate yesterday about a statutory authority to begin the development of City Hill. There is not a single developer in Canberra involved in development in Civic who believes that we should get out there on City Hill with our bulldozers and begin work—not a single one.

**Opposition members:** Not a single one?

**MR STANHOPE:** Not a single one. There is not a single developer, if we rocked up and said, Righto, buy this block of land, begin the development, start work within 24 months” who would say, “Right, okay.” There is not one. If you put the offer out there, it would not be taken up. But this is of no moment to the Liberal Party. It is of no moment to the shadow minister for planning or the Leader of the Opposition. They would be out there doing it, they pretend, in complete ignorance of the economic situation or the economic proposal. This government is not. In relation to this coming budget, we will deal with each issue on its merits.

### **Emergency Services Authority—headquarters**

**MR GENTLEMAN:** My question is to the minister for emergency services. Could the minister advise the Assembly of the government’s decision on the relocation of the Emergency Services Authority headquarters?

**MR HARGREAVES:** I thank Mr Gentleman for his question.

**Mrs Dunne:** On a point of order, Mr Speaker: I would like you to review the question. Is this an announcement of government policy?

**MR SPEAKER:** He was asked to advise the Assembly about the future position of the Emergency Services Authority. The standing order you are referring to is the one that

puts a ban on somebody asking somebody to announce executive policies. He never asked that. He asked the minister to advise the Assembly of what is happening.

**MR HARGREAVES:** Thank you, Mr Speaker. Again, I thank Mr Gentleman for the question. It is my great pleasure today to announce that the new emergency services headquarter precinct, including the specialist outdoor training centre, will be established at Fairbairn. The requirement to establish a new headquarters and outdoor training complex for the ESA was identified in the McLeod inquiry and was committed to by the government.

The establishment of the new headquarters precinct and training facility at Fairbairn provides the ESA with modern premises in a secure location away from residential areas, with the capacity to undertake both routine and major operations. The ESA will be getting a new, state-of-the-art headquarter precinct and training facility to deal with the increasing demands placed on the ACT Emergency Services Authority now and well into the future. This precinct will become home to many sections of the ESA, which are currently spread all over the ACT, including risk management, media and community information, equipment storage, workshops, resource centre and an air support operations centre.

The number of emergency triple zero calls is expected to rise dramatically in the next five to 10 years, based on current projections. This proposal allows us to design a purpose-built facility for our communications centre. It will also contain two other key operational facilities: a new emergency coordination centre and a new emergency information centre. There will also be a new simulation centre. For the first time, we will be able to bring staff and volunteers into the new simulation centre in the morning for the theory side of a particular scenario and then go out in the afternoon and put it into practice at the specialist outdoor training centre. The training of our men and women is of key importance.

Some parts of the ESA will be moving into buildings as early as February next year. We are already housing our helicopters at the air support operations centre. We envisage that the ESA will be settled into their new home by mid-2007. With the decision to move to Fairbairn, the government is fulfilling the final two of the McLeod recommendations and a major election commitment.

### **National competition policy payments**

**MR MULCAHY:** My question is to the Chief Minister. Chief Minister, what is your view of today's announcement on national competition policy payments to the ACT?

**MR STANHOPE:** I will take the question on notice.

**MR MULCAHY:** I ask a supplementary question. What is the ACT government doing to ensure that national competition policy payments continue into the future?

**MR STANHOPE:** We are working hard to ensure that they continue, as is every government in Australia.

### **Auditor-General's reports**

**MRS BURKE:** My question is to the Chief Minister. The Auditor-General has qualified three of the 2004-05 annual reports because they did not comply with Australian Accounting Standards. What have you done to ensure that the causes of the qualifications have been rectified?

**MR STANHOPE:** I have directed that a full government response to every aspect of the reports be prepared and the government will, of course, respond in full in the fullness of time to each of the recommendations made.

**MRS BURKE:** I have a supplementary question. Chief Minister, what would have been the corrected operating result for the general government sector if Australian Accounting Standards had been complied with in 2004-05?

**MR STANHOPE:** I will take that on notice, Mr Speaker.

### **Government programs**

**MRS DUNNE:** Mr Speaker, my question is to the Chief Minister. Chief Minister, is it the case that the government is currently reassessing the existing base of programs operating within the territory to identify what is described as “incongruity with current strategic directions and policies”?

**MR STANHOPE:** No.

### **Sustainable transport plan**

**MS PORTER:** My question is to the Minister for Planning. Mr Speaker, in April 2004 the minister released the sustainable transport plan for the ACT. The plan provided a strategic framework for a sustainable transport system for the ACT and supported the Canberra spatial plan. A key element of the plan was a modal shift in journeys to work, with a stronger role for public transport. Can the minister advise the Assembly how ACT commuters are switching from private car use to public transport?

**MR CORBELL:** I thank Ms Porter for the question. The government is very proud of our commitment to help the community move towards more sustainable modes of transport in the ACT. One of those of course is making sure that our public transport system—

**Mrs Burke:** Mr Speaker, I wish to raise a point of order. We have a concern that this may be pre-empting debate on a motion that is already on the notice paper—notice No 1 from Ms Porter.

**MR SPEAKER:** If that were going to come on this afternoon, I think you would be making a fair point, but it is not coming on until next year. So I think it is—

**Mrs Burke:** It is still on the notice paper.

**MR SPEAKER:** Yes, but if it were to be coming up soon, that would be fair enough.

**Mr Stefaniak:** It does not say that in the standing orders.

**MR SPEAKER:** I can give you a reference in *Parliamentary Practice*, if you like.

**Mr Smyth:** That would be good.

**MR SPEAKER:** I can assure you it is there, because I have read it before.

**MR CORBELL:** Thank you, Mr Speaker. The government is very proud of its commitment to focus on shifting the number of journeys that happen from private motor vehicles and increasing the number of journeys that happen by public transport, walking or cycling. In this way we can truly become a more sustainable city because, of course, energy consumption associated with travel is the second most significant contributor to greenhouse gas emissions in our city. The government is very pleased that the work we have undertaken through funding, incentives and new initiatives in public transport is achieving results. I am very pleased to advise the Assembly that ACTION continues to set new records in adult patronage on a weekly basis. ACTION's adult patronage continues to grow, with weekday adult passenger boardings averaging above 21,000 on most working days.

This financial year we will see over 5.5 million adult boardings. That is one million more boardings per year than when this government came to office four years ago. ACTION is currently estimated to be carrying approximately 8.25 per cent of all adults travelling to work. The target we have set ourselves as a government in the sustainable transport plan is for ACTION to have nine per cent of all adult journeys to work by 2011.

Last week ACTION had three consecutive days of over 22,000 adult passenger boardings. In February this year, as members may recall, ACTION achieved a milestone of over 20,000 adult passenger boardings. So just over the course of this year we have gone from hitting a record of 20,000 adult passenger boardings to now achieving over 22,000 adult passenger boardings on any particular day. What does this mean? It is a 15 per cent increase.

*Mr Smyth interjecting—*

**MR CORBELL:** I know Mr Smyth does not like it because, when he was minister, he introduced an unfair zonal fare system that made it cheaper to park your car in Civic than to catch a bus, cut ACTION's budget and reduced funding for public transport. That had enormous impacts on our city. In contrast, this government has seen a 15 per cent increase in adult passenger boardings compared to the corresponding week in 2004 and an 18 per cent increase of over 3,000 in three years. We are immensely proud of this record and of the efforts we are taking to improve public transport in this city. We will stay on this track to continue to help build a more sustainable transport system for all Canberrans.

**MR SPEAKER:** Mrs Burke, I think the standing order you were touching on was standing order 117 (f), which goes to the issue of anticipating business. I refer you to

page 541 of *House of Representatives Practice*, fifth edition. It expresses an opinion and says that the cardinal rule is to avoid anticipation of discussion, but that you must take into account whether these matters are going to be brought before the house within a reasonable time. I think it would be unreasonable to stifle debate until next year on this important subject.

**Mrs Burke:** I will go with your ruling, Mr Speaker.

### **Emergency Services Authority—internal audit**

**MR SESELJA:** My question is to the Chief Minister as the minister responsible for the annual reports act and governance generally. Chief Minister, what requirements are there for ACT government agencies to have internal audit committees and internal audit units?

**MR STANHOPE:** I will take that on notice, Mr Speaker.

**MR SESELJA:** Chief Minister, why are your governance arrangements so poor that the Emergency Services Authority was without an internal audit function for a whole year?

**MR STANHOPE:** The supplementary question is based on a false premise. The arrangements are appropriate and workable, and the Auditor-General's report into those actually indicates that they are appropriate and workable.

### **SouthCare helicopter service**

**DR FOSKEY:** My question is to the Minister for Health. It concerns the SouthCare helicopter.

Minister, it would seem that there is some concern about the current use and location of the helicopter in and out of Canberra hospital, both in regard to its flight pattern over residential areas and the urgency or otherwise of the transport of its patients. In order to have some understanding of the helicopter's operational guidelines and, in order to influence them constructively, the Garran Community Association has on previous occasions proposed some resident representation on the SouthCare board—but without success.

Given that there are residents adversely affected by the operations of the helicopter, can you advise the Assembly if you are prepared to reconsider resident representation on the board and, if not, why not?

**MR CORBELL:** I am not responsible for the administration of the SouthCare Aeromedical Service. That is the responsibility of my colleague Mr Hargreaves. I will defer that element of the question to him shortly.

Can I indicate for the record that the SouthCare Aeromedical Service is an absolutely essential service for Canberra and the region. I know that some residents of Garran have concerns about the operation of the helicopter and, yes, it can be noisy. But flights into and out of the hospital are emergencies. I know that SouthCare operates on that basis.

Members may be aware that the government has already indicated that it is giving consideration to potential relocation of the helipad at the Canberra hospital campus to move it to a location that is more effective operationally. At the moment when the helicopter lands with patients at the Canberra hospital the patients are required to be physically wheeled from the helipad to the hospital building through the maternity ward to get to the emergency department.

We are currently considering whether or not the helipad should be relocated to a location closer to the emergency department to allow patients who are transferred from the helicopter to get to the emergency department by a more direct route and certainly by a route that is less exposed to the weather. At the moment in very bad weather patients have to be taken off the helicopter, put in an ambulance and driven in the ambulance from the helipad to the emergency department. That is clearly not a desirable state of affairs. So we are investigating that.

I want to stress that flights into and out of the Canberra hospital are emergencies or are in response to an emergency. I have every confidence that SouthCare operates in accordance with their guidelines and in accordance with the expectations all Canberrans and people in the broader region have for a response by emergency aeromedical support.

In relation to governance issues, I will ask my colleague Mr Hargreaves to answer that question.

**MR HARGREAVES:** Thank you, Mr Corbell. I thank Dr Foskey for the question. The fact is that the board of management of the SouthCare helicopter is a joint activity. The government is only a partner in this. The government does not have total responsibility for the governance of the service.

Dr Foskey asked why it is that a particular suburban community group could not be placed on that board. I suggest that there is sometimes disruption in the suburbs of Isaacs, Wanniasa, Fadden and Macarthur—and I sometimes put that down to the deafness of Mr Mulcahy. I will not recommend membership of the board for a specific single interest community group.

**DR FOSKEY:** I ask a supplementary question. Are the operational guidelines for the helicopter public? If not, can they be made so?

**MR HARGREAVES:** I am not aware that they are public. I would doubt it. Operational guidelines for such things as emergency services are usually not made public. There is a certain risk management around that process. However, Dr Foskey, if you have specific issues you want taken up, if you drop us a line, I will happily take them up with the board chair on your behalf.

### **Urban development committee**

**MR PRATT:** My question is to the Chief Minister. I understand that your government has established what is called the urban development committee. I further understand that one purpose of this committee is as a forum to discuss whole-of-government priorities, sequencing, demand-related issues and general timing of project readiness.

What are the formal purposes of this committee? Who are the members of this committee? What public information will this committee produce? How is this committee different from the functional review of the ACT budget headed by Mr Costello that was announced by you in early November?

**MR STANHOPE:** My colleague the Minister for Planning has more detail on this than I. I am happy to defer to Mr Corbell on the government's overall approach to urban development planning in the ACT.

**MR CORBELL:** I thank the Chief Minister. I thank Mr Pratt for the question. The government has recently agreed to new coordination arrangements across government to ensure that the government gets coherent and coordinated advice on the future development of the city, in particular in relation to requirements across all portfolios on infrastructure development and the sequencing and staging of development in new and existing residential areas. Primarily, the objectives of this body are to ensure that the government gets a whole-of-government picture of the potential emerging infrastructure demands for the city.

**MR PRATT:** Thanks, minister. Chief Minister, you may be able to answer this or we will take the handball if you prefer. Chief Minister, how can your government justify the commitment of scarce public resources to the committee undertaking the functional review of the ACT budget, to the government's own expenditure committee and to the urban development committee when Treasury already has these responsibilities?

**MR CORBELL:** Mr Pratt's assumptions are simply wrong, again. This does not entail any additional expenditure. These new arrangements do not involve the commitment of any additional funding resources. They involve the relevant agencies coming together to give coordinated advice to the government.

The body is led by the chief planning executive and has officers of the ACT Planning and Land Authority and from all relevant government agencies. They coordinate the potential infrastructure demands that the territory faces over certain specified time frames. That is used to inform government decision making about where expenditure decisions should be made on infrastructure.

It is not the definitive list of what must be done but rather an indication to government of the relative priority of infrastructure projects and, in particular, the timing needs. For example, when a new suburb is being built, at what point will the government need to consider investment in a new school? As the suburb is brought on line, at what point should the government consider the development of sporting fields and so on? As the suburb comes on line, is new trunk sewer infrastructure required and so on and so forth? It is a coordinating body.

Most Canberrans would think that coordinating the delivery of infrastructure and making sure the government is well informed on the decisions it has potentially to make on the provision of that infrastructure is a pretty important role for the government to play.

**Prison—funding**

**MR STEFANIAK:** My question is to the Treasurer.

**Mr Quinlan:** Is it in my portfolio area?

**Mr Stanhope:** You have not asked a single question of the responsible minister yet.

**Mr Smyth:** Oh, you are not responsible; the Chief Minister is not responsible!

**MR SPEAKER:** Order, please, members of the opposition!

**MR STEFANIAK:** Treasurer, what level of funding was appropriated in 2005-06 for construction of the prison?

**MR QUINLAN:** I have not got the number on that.

**Mr Stanhope:** Oh, you're sacked! Out of here!

**MR QUINLAN:** Hang on. Do you want me to pull out the budget? I am sure that you have a copy of it somewhere. It is a bill of this house and can be easily looked up, so I will not even take the question on notice.

**MR STEFANIAK:** Treasurer, have you informed the Chief Minister that he gave wrong information to the Assembly when he said that \$128 million had been appropriated?

**Mr Stanhope:** It had been allocated, Bill.

**Mrs Dunne:** That is not what you said.

**Mr Stanhope:** Oh, dearie me, I said "appropriated" instead of "allocated"!

**MR SPEAKER:** Order!

**Mr Stanhope:** I resign! I resign!

**Mr Smyth:** Mr Speaker, on behalf of the opposition, I accept the Chief Minister's resignation.

**MR SPEAKER:** Order! Sit down.

**Mr Stanhope:** I know that it is the last sitting day of the year, but this is pathetic.

**MR SPEAKER:** Order! We cannot deal with this question whilst there is such disorder.

**MR QUINLAN:** No, I have not discussed the matter with the Chief Minister. If, on reflection, we find that he has committed a grievous evil, I am sure that caucus will take the matter in hand.

## **Government—achievements**

**MS MacDONALD:** My question through you, Mr Speaker, is to Mr Stanhope in his capacity as Chief Minister. The year 2005, the first year of the second term in office of the Stanhope Labor government, has been one of great achievement.

**Mr Smyth:** You have got to tell the truth, Karin. You can't say "great achievements".

**MR SPEAKER:** Withdraw that.

**Mr Smyth:** I withdraw.

**MS MacDONALD:** Minister, can you outline for the Assembly the extent of those achievements, remembering of course that standing orders limit the time for your first response?

**MR STANHOPE:** I am delighted to respond to Ms MacDonald's question today. It has been a very good year for the government. Indeed, the government has had four very good years. Each of the ministers in my government has presided extremely well over a list of most notable achievements in the last 12 months. It is appropriate today that I reflect on some of those achievements.

Mr Quinlan has presided over much work that involved repairing or patching up omissions or simply mistakes made by the Liberal Party when in government. Included in that is the establishment of a dedicated Department of Economic Development. That was followed by the development of the master concept of the City West precinct, involving the government, the ANU and Baulderstone, that will see a \$600 million investment to build over the next five to 10 years the smart zone linking the ANU with the City Hill precinct, which will help Canberra along the way to becoming a city along the lines of Cambridge, Oxford and San Diego. All members would applaud the fact that the first \$50 million of that \$600 million investment has been announced and is under way.

We have commenced the process for the multi-million dollar refurbishment of the National Convention Centre, after the masterstroke of purchasing it for \$1.10, something promised by the Liberal Party in government but never delivered and certainly never appropriated or allocated by the previous government.

Mr Quinlan's department, going back to the point that I made before, has fixed up the defunct, appalling agreement made by the previous government on Impulse Airlines. We all remember that as another one of the major stuff-ups of the other government. It has been fixed by the signing of a deal with Qantas that will see one of its key subsidiary businesses, Qantas Defence Services, set up a new business facility at Canberra international airport, as was always anticipated by the Liberal Party with Impulse but which they could never deliver.

We remember that raft of Liberal Party achievements during the time of Impulse, headed up by Kinlyside and the Canberra Hospital. The Leader of the Opposition, particularly as a result of his place in the cabinet that oversaw the construction of Bruce Stadium,

knows all about money, numbers, appropriation and economic management. Whenever the Leader of the Opposition stands up in this place and talks about economic management, just think “Bruce Stadium”. He was in the cabinet that took the decision on a \$12 million project that cost \$100 million. It is always interesting, is it not, to hear Mr Smyth talk about economic management. When you hear Mr Smyth talk about economic management, just think “Bruce Stadium”.

**Mr Smyth:** On a point of order, Mr Speaker: the Chief Minister cannot mislead the house. I was not in the cabinet at that time. He must get his facts right.

**MR SPEAKER:** Withdraw that.

**Mr Smyth:** He must withdraw the lie that he has just told the Assembly.

**MR SPEAKER:** No. You imputed that the Chief Minister had misled the house.

**Mr Smyth:** He did. I was not in the cabinet that made that decision.

**MR SPEAKER:** Withdraw it.

**Mr Smyth:** I will happily withdraw it. You should make him withdraw his incorrect statement to the Assembly.

**MR STANHOPE:** Whenever you think of economic management in the context of the Leader of the Opposition, Mr Smyth, think “Bruce Stadium”, a \$12 million project that cost \$100 million. Let us talk about the appropriation of the \$12.7 million that led to the \$100 million expenditure.

**Mr Smyth:** It is \$100 million now?

**MR STANHOPE:** Yes, it was \$100 million; read the Auditor-General’s report; go back to it. I urge everybody in this place, and I urge every Canberran, whenever they hear the Leader of the Opposition, Brendan Smyth, talking about economic management, to cast your mind back to the Bruce Stadium disaster/scandal. Think about that; cast your mind back to that. They are just a few of the highlights of Mr Quinlan’s role in the place.

Mr Corbell, similarly, has presided over a raft of the most significant achievements as Minister for Planning. Work has commenced on the planning system reform project, the first time that a major overhaul of land and planning processes has ever been attempted in the ACT. Others include the implementation of the City West master plan and the government’s groundbreaking sustainable transport plan, in particular dedicated busways from Gungahlin to the city.

It was interesting today to hear from Mr Corbell about the success of our plan and the average daily increase in bus passenger utilisation in the ACT of 2,000 passengers—an additional one million passengers carried by ACTION since we came to government. Think about the successes of our sustainable transport plan and think about those magnificent numbers.

**MS MacDONALD:** I ask a supplementary question. Chief Minister, what are some of the further highlights of the government's achievements in the past year, specifically in the areas that you have not already talked about?

**MR STANHOPE:** I thank Ms MacDonald. It is well worth looking at some of the major achievements in the last year in relation to health—the area of Mr Corbell's responsibilities. From October 2004 to October 2005 there was an eight per cent increase in case weighted separations. To the end of October 2005 our hospitals reported 73,108 outpatient occasions of service—a seven per cent increase. From January 2005 to September 2005 there was an eight per cent decrease in elective surgery. We provided 9,861 child dental services—a jump of 20 per cent on the total for the same time in the last financial year. Our community nurses provided 10 per cent more services in the first four months of the year. An additional 20 medical beds have been provided across the system and the ninth operating theatre has opened at Canberra hospital.

Compare these achievements in relation to health to the legacy of the other side. Who could ever forget the appalling state of mental health when we came to government? We had the lowest per capita expenditure on mental health in the nation by far. It was an indelible shame that we have worked assiduously for four years to overcome. Can you believe that the most affluent community in the country inherited from Brendan Smyth four years ago the lowest level of per capita expenditure on mental health in the nation by far! Through Minister Simon Corbell we have dragged that expenditure up to where we are now—above the national average and heading for the top of the tree in relation to mental health expenditure in Australia.

Dwell on what we inherited from this mob four years ago in relation to health services, in particular mental health. Brendan Smyth's attitude to mental health resulted in the lowest per capita level of expenditure on mental health in the country by a country mile. It was an absolute disgrace! Let us look at Brendan Smyth's legacy: Brendan Smyth and Impulse; Brendan Smyth and the Bruce Stadium; Brendan Smyth and mental health. What a disaster!

And then there is this leader in waiting who did not in the end have the bottle to take up the challenge. He is the Peter Costello of the ACT Assembly. He did not have it in him. He even came to the government during the year and tried to do a deal on a motion on which they could cross the floor. He had the bottle to come to me and ask me to participate in a motion on which he could cross the floor to vote just to embarrass his leader. Here he is now—the calm and suave leader in waiting, the Peter Costello of the ACT Assembly. He should go back to selling tobacco to kids. He was better at it.

But I want to talk about other areas of responsibility of my ministers. In education we continue to perform, nationally and internationally, way above our weight. The jurisdiction achieved the best results in Australia in years 3, 5 and 7. It ranked highest or second highest in Australia in years 3, 5 and 7; maintained the trend of previous years with 95 per cent of year 3 students achieving at or above the benchmark standard for reading and numeracy; and showed a significant improvement for year 5 reading with 96 per cent at or above benchmark, the highest percentage in Australia. In writing there was a considerable improvement in results with 94 per cent of years 3 and 5 students and

93 per cent of year 7 students at or above the benchmark. These are absolutely outstanding results.

As well, as I am sure all members are aware, the government increased preschool hours from 10.5 to 12 hours per week. That is a fantastic initiative by this government to support families within the ACT. We created the Children and Young People Commissioner, opened the Child and Family Centre in Gungahlin and launched the ACT Women's Plan.

Mr Hargreaves can take enormous personal pride in the fact that today we have announced the creation of a new headquarters for the Emergency Services Authority. That is another area where we have picked up the neglect of seven years of Liberal government. Today, with enormous pride—and it is appropriate for me to congratulate the minister personally—in an arrangement with Mr Terry Snow and the Capital Airport Group we have achieved an absolutely outstanding result for the Emergency Services Authority.

We opened the new Woden police station and the Theo Notaras Multicultural Centre. The Liberal Party in government always talked about delivering a multicultural centre, but they never could get to do it. There is a raft of amazing achievements by this government that it would take me the rest of the day to deal with.

*Opposition members interjecting—*

**MR SPEAKER:** Order!

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

### **Supplementary answers to questions without notice Education—university admission index**

**MR STANHOPE:** Mr Speaker, I wish to provide further information in relation to a question asked of me yesterday by Ms Porter. During the answer to that question on education I responded that Mrs Dunne had publicly expressed the view in an attack on government education that in the ACT affluent people will always buy their children a proper education but it was the poor that never had that opportunity. She expressed these words as part of her ideological pursuit against government schools in the ACT.

When I made that comment yesterday, Mrs Dunne challenged me to produce the reference to her comment that affluent parents can always buy their children a proper education and that the poor never had that opportunity. This was, of course, a very direct and vicious attack by Mrs Dunne on public education. She challenged me to produce the evidence of that. Ms MacDonald believes that Mrs Dunne said she would eat the *Hansard* if I could prove that. I will table a page of the *Hansard* of 20 September for Mrs Dunne to eat. I present the following paper:

Education—Extract from *Hansard*, 20 September 2005.

**MR SPEAKER:** Order! It would be highly disorderly for Mrs Dunne to start eating it.

**Government—expenditure review**

**MR QUINLAN:** Mr Speaker, I received a question from Mr Mulcahy on 15 November in relation to the cost of the functional review. There will be a cost but I have to inform the house that the cost will be the blood and sweat of Treasury. The cost of the functional review will be absorbed within Treasury and, of course, within all the departments that are cooperating. Current staff are absorbing the work. The not inconsiderable workload is being absorbed within current resources.

**Suicide prevention**

**MR CORBELL:** Mr Speaker, I am sure we can get a count on the kilojoule value of *Hansard*. Yesterday in question time Mr Seselja asked me a question in relation to the suicide prevention report. He asked me why, in his view, the exploratory work to be undertaken before the final report was released was not done. The answer to Mr Seselja's question is: exploratory work in relation to identifying successful suicide prevention programs and possible service gaps was undertaken in developing the suicide prevention plan. This work identified the positive outcomes achieved by the OzHelp program, a very good program set up by that very good community organisation, the Construction, Forestry, Mining and Energy Union.

All actions within the draft suicide prevention plan, including this one, have been developed through an extensive consultation process and have undergone numerous changes throughout that process. The actions, as included in the final draft of the plan, reflect the consensus position of key stakeholders and other community representatives, as agreed during the consultation process. Action 1.1.3 of the plan to “explore options for building on life skills programs that focus on resilience building, coping strategies and help-seeking behaviours for apprentices and trainees throughout the ACT” acknowledges the success of that program and the need to continue to build on that success.

The emphasis within the action has always been on finding ways to improve services for men and increasing men's utilisation of existing and future services to improve their mental health and reduce the risk of suicide amongst men, especially young men. The broader action also allows for consideration not only of opportunities to expand these current services but also of other options and activities that might build on and strengthen the current program. An action simply to expand the existing services would have limited the opportunity to explore other options that might strengthen this model of support.

**Committee reports—government responses**  
**Papers and statement by minister**

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

Education, Training and Young People—Standing Committee—Report 1—*Report on 2003 to 2004 Annual and Financial Reports*—Department of Education and

Training and related entities, Office for Children, Youth and Family Support—Government response.

Legal Affairs—Standing Committee—Report 1—*Report on Annual Reports 2003-2004*—Department of Justice and Community Safety and related entities—Government response.

Planning and Environment—Standing Committee—Report 8—*Inquiry into Referred Annual and Financial Reports 2003-2004*—Department of Urban Services, ACT Planning and Land Authority, Land Development Agency and related entities—Government response.

Public Accounts—Standing Committee—Report 3—*Report on 2003-2004 Annual and Financial Reports*—Chief Minister's Department, Department of Treasury, Department of Economic Development and related entities and ACT Legislative Assembly—Government response.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, I have presented the government's response to four standing committee reports on the annual and financial reports for 2003-04. I have tabled the responses to all of the standing committee reports covering all portfolios because the standing committee reports generally cover more than one minister and more than one portfolio and, in certain cases, issues raised in the reports apply to all departments and agencies.

As members will be aware, annual and financial reports are prepared by agencies in accordance with the Chief Minister's annual report directions and in accordance with the Financial Management Act 1996. The government seeks to ensure that the directions and the act are continually updated to reflect best practice and full accountability in accordance with government policy.

The four standing committee reports made a total of 19 recommendations. In broad terms, the government supports 16 of these, with two recommendations noted and one recommendation not agreed to. The issue on which the government does not agree with the recommendation of the committee concerned relates to reporting in annual and financial reports of the quantity and quality of volunteerism in ACT government departments and related entities. Guidelines on volunteerism in the public service are currently being developed, including how volunteerism should be reported across government.

While some agencies already include in their annual reports qualitative information on the use of volunteers, the government believes that the most comprehensive source of information on the volunteer work force is available from the Australian Bureau of Statistics, and that it is not necessary for quantitative information on volunteerism to be included in agency annual reports. I thank the standing committees for the effort they have made in preparing their reports.

**Terrorism (Extraordinary Temporary Powers) Bill 2005—  
exposure draft**  
**Proposed reference to Standing Committee on Legal and Constitutional  
Affairs**

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

Terrorism (Extraordinary Temporary Powers) Bill 2005—Exposure draft.

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

Leave granted.

**MR STANHOPE:** Over the last six months, Australia has been engaged in a debate about how we should respond to the heightened risk of terrorism we all face—a risk we have all seen manifested, in the wake of September 11, in appalling crimes of violence in Madrid, London, Bali and daily on the streets of Iraq.

On 27 September 2005 the Council of Australian Governments agreed that the commonwealth, state and territory governments would enact legislation to strengthen existing counter-terrorism laws. Before I agreed with other first minister colleagues, I wanted to be convinced that the laws were necessary in the face of the risk confronting Australia. I received a briefing from the Commissioner of the Australian Federal Police and the directors-general of ASIO and ONA. Each told me the kinds of laws proposed by the Prime Minister were necessary.

COAG agreed that the commonwealth criminal code would be amended to provide for control orders and preventative detention for up to 48 hours to restrict the movement of those who posed a terrorist threat to the community. It was also agreed that states and territories would enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact. These measures included preventative detention for up to 14 days and stop, question and search powers in places of mass gathering.

I agreed to the new laws on the basis of assurances from the Prime Minister that the proposed commonwealth laws would be based on clear evidence that they were needed in a democratic society and that the desired effect could not be achieved in less intrusive ways; that they would be effective against terrorism; that they would conform to the principle of proportionality; that they would comply with Australia's obligations under international law—in particular, its obligations as a signatory to the International Covenant on Civil and Political Rights; that they would involve rigorous safeguards against abuse, including respecting the principles of non-discrimination; that they would be subject to judicial review; and that they would contain sunset clauses.

I asked for these assurances because I believe that Australia should not be debating what freedoms we are prepared to surrender in the current security environment but how rights can be secured and democracy protected from the threat of terrorism. There is no need to

make a choice between human rights and national security. What we must aim for is described by the Canadian Attorney-General as “human security legislation” or legislation that protects both national security and human rights.

While the anti-terrorism laws that eventually passed the federal parliament this month were a vast improvement on the early draft presented to the premiers and chief ministers, they still needlessly circumscribe the rights of Australians and lack necessary safeguards. It was pleasing and significant to see the bipartisan approach of the Senate committee in its report on the commonwealth legislation. The recommendations of that committee would have gone a long way to addressing the human rights concerns in relation to control orders and preventative detention. It is most disappointing that the commonwealth chose not to implement many of these sensible recommendations.

I remain convinced that with more time and greater goodwill all the outstanding human rights issues associated with the commonwealth legislation could have been resolved so that both the spirit and letter of the COAG agreement could have been preserved and we could have produced true “human security legislation”. I think it is a matter of great regret that this was not done.

However, the ACT government will honour the commitment I gave to enact laws to protect national security and human rights—laws that comply with Australia’s international obligations under the ICCPR which, of course, are enshrined in the law of the ACT in the Human Rights Act. The exposure draft of the Terrorism (Extraordinary Temporary Powers) Bill shows that it is possible to fully integrate a respect for human rights with tough and effective counter-terrorism measures.

Just as I commissioned expert and independent advice in relation to the commonwealth’s draft, I have taken the step of seeking independent advice as to whether the draft I present to the people of the ACT is compatible with the Human Rights Act. I felt it was necessary in this case to table the bill as an exposure draft to ensure that the community had adequate time to consider and assess the draft and to ensure that the government is on the right track.

Mr Speaker, the exposure draft has been developed in light of various legal opinions on human rights and constitutional issues. These include the opinion of the solicitors-general, assisted by Mr Stephen Gageler SC, the advice of the Human Rights and Discrimination Commissioner, Dr Helen Watchirs, and professors Hilary Charlesworth and Andrew Byrnes, and opinions from Lex Lazry QC and Kate Eastman specifically in relation to the ACT Human Rights Act.

The provisions in the exposure draft that relate to preventative detention have been modelled on the parts of the state bills that are considered the best in terms of human rights compatibility, constitutionality and adherence to established principles of justice. Additional safeguards, including some contained in the legislation of the other states, have also been incorporated in the exposure draft to ensure that the ACT has the best and most human rights compatible legislation. Making the bill compatible with Australia’s international human rights obligations has not altered the effectiveness of the law or limited its reach. It remains consistent with the COAG agreement.

Mr Speaker, the exposure draft also sets out the special police powers agreed to by COAG. During a conventional criminal investigation, police already have available to them considerable and effective powers of investigation. However, the police may only exercise these powers—for example, powers of search or inquiry—when they have information that is substantial and credible enough to give rise to a “reasonable cause to suspect”.

The legal requirement that the exercise of police powers is ordinarily based on a suspicion or belief on reasonable grounds usually limits the scope and application of the powers to an individual person, vehicle or premises to which the suspicion is attached. Although this is appropriate for conventional criminal investigation, it is not adequate for responding to terrorist activity with its covert, complicated and sophisticated nature. For example, intelligence may indicate a significant threat to a landmark—say a particular public place—without identifying specific individuals who pose the threat. Police need to be able to respond and take effective protective measures affecting all persons in a particular area regardless of whether any particular individual has given “reasonable cause to suspect”.

The enhanced police powers have been modelled on the parts of the states’ bills that are considered the best in terms of human rights compatibility and adherence to established principles of justice. Additional safeguards have also been incorporated, including the judicial review and oversight of all authorisations under the legislation.

The exposure draft provides for the declaration of special powers authorisations and special investigative powers authorisations by the Supreme Court. Under the provisions, a special powers authorisation may be issued if the court is satisfied on reasonable grounds that a terrorist act is imminent and that the exercise of the powers under the provisions will substantially assist in the prevention of a terrorist act. An investigative special powers authorisation may be issued if the court is satisfied on reasonable grounds that a terrorist act is being, or has been, committed and that the exercise of powers under the legislation will substantially assist in the investigation of the terrorist act.

The exposure draft incorporates important safeguards to prevent the inappropriate use of the extraordinary powers proposed in the bill. Other proposed safeguards to protect human rights include requirements that all police who exercise stop, search and seizure powers must undergo human rights training and all police must keep records in relation to their use of the stop, search and seizure powers.

Mr Speaker, I have a responsibility to do all I can to protect the ACT community against terrorist acts without unnecessarily infringing upon their rights and freedoms. I believe that the exposure draft achieves this. It takes a principled approach to counter-terrorism law that is anchored in the relationship between security and rights. I believe we can protect both and I look forward to the process of consultation with the ACT community.

In recognition of the significance of the proposed legislation, and in order to ensure additional scrutiny and an opportunity for the public to participate and work with the government, the government proposes that the exposure draft be referred to the Standing Committee on Legal Affairs for inquiry and report. In this regard, I seek leave to move the motion that I think has been circulated in my name.

**Mr Stefaniak:** I don't think it has been circulated.

**MR STANHOPE:** I beg members' pardon for that. I will circulate the motion.

Leave granted.

**MR STANHOPE:** I move:

That:

- (1) the exposure draft of the Terrorism (Extraordinary Temporary Powers) Bill 2005 be referred to the Standing Committee on Legal Affairs for inquiry and report;
- (2) the Committee report by 28 February 2006; and
- (3) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publishing and circulation.

**MR STEFANIAK** (Ginninderra) (3.38): Mr Speaker, I will speak briefly to the motion. I note the numbers and I note that this matter will be referred to my committee. It is my understanding that every other state and territory, except Victoria, has already introduced, debated and passed its complementary anti-terrorism legislation. On behalf of the opposition, I want to put on the record that the opposition has a very significant concern that, unless Victoria does something which delays its legislation even further, we will be the last state or territory to have this complementary legislation in place within the time frame.

I understand that the committee will look at the bill and report by the end of February at the latest and then the legislation will be introduced and passed by March. I have no problem with that late time frame. I do not think my committee has any problem with trying to report by February. We have already looked at dates with this in mind. But I stress that the opposition has great concerns that, as the last state or territory to pass this legislation, we are left in a somewhat exposed position compared to other states, especially as our surrounding state of New South Wales has already introduced, debated and passed terrorism legislation. So I have put the opposition's position on the record. Wearing my hat as committee chair, I say that we will certainly be trying to look at this. We have set aside dates and we would be keen to report by February.

Question resolved in the affirmative.

## Papers

**Mr Stanhope** presented the following papers:

Recognition of same sex relationships in the ACT—Report on public consultation.

Civil Law (Wrongs) Act 2002—Review of the operation of certain provisions.

**Mr Quinlan** presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds from the Department of Urban Services to the Department of Economic Development, including a statement of reasons, dated 13 December 2005.

Pursuant to section 16—Instrument directing a transfer of appropriations from the Department of Urban Services to the Chief Minister's Department and the Emergency Services Authority, including a statement of reasons, dated 13 December 2005.

### **Canberra central task force report Ministerial statement**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (3.40): I ask leave of the Assembly to make a ministerial statement concerning the government response to the Canberra Central Taskforce report.

Leave granted.

**MR CORBELL:** Mr Speaker, yesterday I released the Canberra Central Taskforce report which was presented to the ACT government in October 2005. In response to the government's terms of reference the comprehensive report has outlined a strong framework for the future planning and development of the City Hill precinct and the city centre, with clear recommendations and actions for the government to consider. The task force has demonstrated a strong example of the private and public sectors working together, despite a variety of views about the most desirable and effective way to create a dynamic heart for our city. Central to this joint approach has been the cooperation and participation of the National Capital Authority through the task force to implement the vitalisation strategy for City Hill and Canberra central.

Given the shared vision of the development of the city centre, engagement of the commonwealth in a strategic partnership is likely to be the best strategy to achieve a fair and reasonable contribution for any specific national requirements emerging through the Griffin legacy work, such as major infrastructure. One of the key features of the Canberra Central Taskforce report is the recommended objectives for the planning and development of the City Hill precinct. These objectives deal with a range of matters, including the vitalisation of the city centre; higher standards of urban design; exemplary architecture and social inclusion; sustainability; maximising inner city population; and encouraging a diversity of activity and sustainability to create valuable assets for the community and not a burden for taxpayers.

The task force's objectives are practical and provide a strong framework for considering the future planning of the precinct. Since its restructuring in May this year the task force has, in a relatively short period of time, taken on board many of the comments made during the public consultations, including the outcome of the living city design competition ideas. The task force also received presentations by experts from other capital cities in Australia and ACT government senior officers, and commissioned its

own reports that have helped in reaching a pragmatic view of the investment climate, economic growth rate, employment and land availability in the wider Canberra central area, not just City Hill.

The task force report refers to the preliminary and financial modelling undertaken by ACT Treasury with various agencies and also with an expert external consultant, Hill PDA. This work shows that there will be significant costs incurred for infrastructure before there will be any significant revenue from land sales. The report also shows that development of the City Hill precinct is likely to extend over approximately 27 to 30 years, and makes reference to the capacity of the existing Canberra housing market to absorb premium high density housing and an emerging surplus of commercial office space environment in the city.

The expert consultant report shows that, despite a positive outcome over a 30-year period, there are substantial negative cash flows in the early years and that the current outlook within the ACT residential and commercial property market suggests that a dedicated project would not be justified to start until around 2010. The government believes it is therefore prudent, as part of any robust due diligence process, for more detailed feasibility studies to be undertaken before committing to a project of this scale.

The government will also analyse the full range of social and environmental impacts associated with the development through a rigorous triple bottom line analysis. In this respect it is important to reflect on the fact that development in our city centre is not stagnant and indeed continues to be the subject of substantial private sector investment. A range of short-term projects have the capacity to further enhance the situation which, as part of a well-planned development sequence, will result in ongoing incremental development that can optimise returns to the territory and potentially defray infrastructure costs.

Those on the other side of this place who say that the government's position is a non-decision, or that the city should be developed in the next 10 years—and I include amongst these the criticisms of Mr Terry Snow—need to be reminded of just what is happening and what is planned to happen under the government's current policies, the Canberra central program and, as both the task force report and independent financial modelling by Hill PDA identify, the current prevailing and forecast market conditions.

For the information of members, I would like to outline in detail the unprecedented levels of development activity currently happening in our city centre. In section 61 of the city a new building will be built for the Department of Agriculture, Fisheries and Forestry. This is especially welcome, as it is a commonwealth government department. They have chosen to relocate from the parliamentary triangle into our city centre. That building will have a gross floor area of 29,400 square metres and its construction value is \$63.6 million.

Turning to section 88 of the city, a new building is in the process of being built for the commonwealth department of industry, trade and resources on Akuna Street. Members will be familiar with that. That building has a gross floor area of 28,141 square metres and is of the value of \$58 million.

Then there is section 84 in the city—the QIC Canberra Centre development, precincts A and B, which are retail, commercial and entertainment. There is a gross floor area of 54,939 square metres to the value of \$105 million. Then there is section 84, precinct D in the city, which is a residential development with a gross floor area of 29,000 square metres, to the value of \$30.5 million. There is also section 89 in the city, precinct C of the Canberra Centre development—a new building for the commonwealth taxation office—with a gross floor area of 49,220 square metres, to the value of \$110 million.

We then go to City West, section 6—the new Metropolitan development—which is a residential tower complex with a gross floor area of 38,400 square metres, to the value of \$50 million. We also have section 91, across the road from the Metropolitan—the new building for the National Information and Communication Technology Australia Centre, with a gross floor area of 20,000 square metres, to the value of \$45 million. There is then section 90 in the city—the Williamson building—consisting of 7,993 square metres, to the value of \$16.6 million. We also have the proposed development at the new YMCA site which members will see is now commencing. The ANU precinct master plan, which will shortly be formally approved by the ACT Planning and Land Authority, will have approximately 180,000 square metres of mixed-use research, academic, commercial and accommodation development, with an estimated value of \$600 million.

All of this tells us that in total there are some 500,000 square metres of gross floor area approved for development or under construction right now in our city centre, with a total value of \$1.1 billion. This is not a city centre that is stagnating, it is a city centre that is growing and changing the face of the commercial centre of Canberra—and it is happening, I am proud to say, under a Labor government.

The government will continue with major investigations and studies to further prepare the groundwork for long-term sustained development funded by the government through our Canberra central program. These investigations will include looking at road engineering and infrastructure feasibility issues; further land economics analyses; the development of a dedicated car parking strategy, which is important for the future of our city centre; identifying a range of sites for new structure car parks, as well as the capacity for alternative means of providing for transport in and out of the city.

A new single planning document is currently under development. This is linked to our planning system reform work. Its purpose is to simplify planning arrangements between the ACT Planning and Land Authority and the National Capital Authority. More work is to be done on investigations into further improving the public realm of the city and pedestrian movement.

This comes on top of the work currently underway through the Canberra central program, including the development of paving guidelines; street furniture guidelines; a place management and maintenance review; the development of the Childers Street art precinct, which is shortly to go to tender for construction; forward design of the City West performing arts facility; improvement of safety in the city; a new signage system for Canberra central being rolled out just this week; improvements to Alinga Street; the removal of clutter from public spaces; a public arts program; the development of the area benefit levy; our very successful Christmas in the City program and an ongoing range of

other events. The government's commitment to making our city centre a vital part of our community is very clear.

The government is also focusing strongly on issues around sustainable transport. As discussed in question time today, the Belconnen to city busway, Gungahlin to city and Tuggeranong to city bus priority measures are part of a future network of intertown dedicated public transport routes, with \$6 million already being allocated for forward design, planning and engineering analysis.

A real-time passenger information system is being rolled out to provide greater reliability of information for people using public transport in Canberra, and a city bus loop is currently being scoped to link in with improvements to the existing bus network. This will enable the gradual reduction in focus on a single dedicated bus interchange, with many of the antisocial behaviours we see as a consequence of that.

The task force the government commissioned also looked at a range of planning and development issues, including the National Capital Authority controls, submissions from the community, community safety, traffic analysis, car parking, public transport, pedestrian movement, economic analysis, financing, heritage, cultural activities and maintenance of the public realm. The task force approach has been to establish the principles and policy framework to provide the future planning and development direction for the City Hill precinct and our city centre overall, to create and maintain a thriving and vibrant city centre.

The government is pleased to support the National Capital Authority's proposals to incorporate these principles into the national capital plan. These principles can be translated into an indicative development plan that can be refined, adapted and implemented over the medium to long term. In conjunction, the government believes there is a logical sequence of development of the city centre reflected through the projects I have already outlined to members. This follows a pattern of incremental growth that will maximise returns to the community, maximise utilisation of existing infrastructure and help defray the cost of new infrastructure.

The task force debated at length the form of governance that is most likely to achieve the recommended objectives. In the government's view, the cost of establishing a new statutory authority simply cannot be justified. The reality check provided by the Hill PDA report, backed up by the observations of the task force, which I have not seen challenged in any substantive way by those opposite or outside of this place, meant that another statutory authority—which is in itself costly to establish—and another level of bureaucracy would have little or almost nothing to do in the first five years. There was also a failure to recognise all the precondition work that has been and continues to be carried out by ACTPLA, the Land Development Agency, the Canberra Central Taskforce, the Department of Treasury and so on, so that when the market is right a future government can act on implementing the development of the City Hill precinct in a well considered and financially responsible manner.

The task force considered the option of a development authority, similar to the one proposed and voted down yesterday by the opposition, but concluded that this approach was not appropriate for Canberra central. It formed the view that the desirable model should have a clear focus and provide skilled policy input to government but should not

be a planning authority or decision-making body and should not replicate the resources already in place. The government has decided to continue with the existing task force in the interim. We will establish a new permanent advisory forum of both private and public sector representatives, which will be announced earlier next year. This new permanent advisory body will differ from the task force recommendation, in that it will have a clear focus on the Canberra central area as a whole, not just on the City Hill precinct. In order to continue with the invaluable work the task force has already accomplished, the government will request it to oversee and monitor the current Canberra central program until the new permanent advisory mechanism is established, and to assume responsibility for the implementation of the Canberra central program.

Detailed investigations to further the principles and actions outlined in the task force report, which was made public on 14 December this year, will continue. These investigations will include rigorous assessment and analysis of the market, land economics, engineering feasibility studies, analysis of the public realm, city patterns and car park area. These investigations are crucial to underpin any indicative development scenario and sequential plan for the future development of our city centre. The government is looking forward to seeing the results of this work.

The government will also be investigating key development trigger projects that will help facilitate ongoing interest in the city centre, such as the investigation of the feasibility of a new convention centre and five-star hotel, a new mixed-use recreation facility on the site of the Civic swimming pool, a new government office block and potentially the first residential tower within the City Hill precinct—that is, inside London Circuit.

Based on the preliminary financial modelling, the task force report has reached a different conclusion from that of the living city proposal. There are a number of reasons for the differences with the living city proposal, including different land areas, different land pricing, displacement costs, car parking revenue, taxation assumptions and different assumptions around prevailing market conditions.

The task force took the view that selecting a single design would not deliver the outcomes necessary for government to progress the long-term planning and development of Civic and the City Hill precinct in particular. In doing so it has provided a comprehensive set of planning and design principles that will be interpreted into an indicative development plan that can be adopted by both the NCA and the ACT government to guide development in the area over the long term.

The government is pleased with the task force report. It provides a clear way forward for achieving our vision to create a dynamic heart for the city. I would like to thank everyone who has contributed to this major project to date—in particular, the members of the public who made submissions; the task force chair, Mr Jim Service, for his time and commitment; the independent members and the government members of the task force. Their commitment and contributions have been pivotal to the quality of the recommendations and the ongoing success of the government's Canberra central strategy. I present the following paper:

Canberra Central Taskforce Report—Government response—Ministerial statement,  
15 December 2005.

**MR SPEAKER:** Mr Corbell, I know you moved the motion earlier but you may have been restricted by time after you had sought leave. So would you move that it be noted again.

**MR CORBELL:** I move:

That the Assembly takes note of the paper.

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

## **Adapting a car-based city to a declining oil supply and climate change**

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

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

The challenge of adapting a car-based city to a declining oil supply and climate change.

**DR FOSKEY (Molonglo) (3.59):** This MPI has been at least seven weeks in the waiting but, unfortunately, it is an MPI that is as relevant now as it was seven or eight weeks ago. Although Chicago-based architect and town planners Walter Burley Griffin and Marion Mahoney envisaged Canberra as a small, vibrant city connected to Sydney and Melbourne by train, with light rail connecting the town internally, most of Canberra's infrastructure was set in place at a time when the car was seen as the most convenient way to get around. Consequently, Canberra has plenty of dual carriageways, clover leaf junctions and ample parking compared to most cities, although you would not know it from the complaints of city business interests. While Melbourne and Sydney people travel to the central district on trams, trains and buses, many Canberra people complain if they cannot park their cars a few metres from their destination. We take parking for granted.

Canberra's retail structure was based around the concept of the car as a large shopping trolley. That is taken direct from NCDC material of the time. This led to neighbourhood, group and city centres surrounded by parking lots and a retail structure which has not stood the test of time. Why would you buy your groceries at your slightly more expensive local shops when you can buy everything you need in one trip to the town centre? Thus we have seen the decline of many neighbourhood centres. The Y-plan discarded the traditional radial layout of all major roads leading to the city and set in place a multcentred city without good public transport systems within and between them. Again, the long intertown roads through rural and bush settings mean that, without access to a car, you cannot experience the whole of this lovely city.

In Australia, family life is arguably most intimately, although not necessarily harmoniously, experienced in the car—on the way to shopping expeditions, visits to

relatives, Sunday drives and on holidays—often pulling a caravan. Community life is also shaped by Canberra's reliance upon and encouragement to drive cars. We are a relatively small population, so events are generally centralised for maximum participation. On fireworks nights, for instance, mass migrations cross the city to Commonwealth Park, and chaos ensues when everyone leaves at once. This is when Canberra has its major incidence of gridlock, as cars leave the event and head for the suburbs.

When there are major events, bus services at night and on weekends are for the truly intrepid, and cease earlier than most final curtains come down. Although there are wonderful places to walk for recreation, Canberra is not a good city for walking or using public transport between tourist attractions. Legibility of tourist maps is poor and they are usually addressed to the car driver. Riding across Commonwealth Bridge, I often pass visitors to our town holding maps against the wind while they check again where Parliament House or the art gallery are. In fact, many times on Commonwealth Bridge I have served a very great service for Canberra in advising people how to get to their destinations.

The bus routes are incomprehensible to the uninitiated—ie, the visitors to our town. Despite the good bus system—and it is a good bus system; I am not knocking ACTION if you live in the right place with a growing network of bike paths and lanes—this city runs on oil. When the city was built, oil was a relatively cheap fuel, and it looked as though it would be available for a long time. Fifty years is a very long time to the planner but it is an absolute century to the politician. Since the oil shocks of the 1970s, our vulnerability to oil price rises has been better understood. Nonetheless, the sudden realisation that oil, like all non-renewable resources, becomes scarce when its extraction and treatment becomes too expensive, has hit the average person. This is because oil shortages have hit a car dependent society where it hurts most—the hip pocket.

People are looking around for alternatives to using their cars so they can reduce the amount of petrol they must buy. For some it is a choice between driving the car to work and buying food and paying the bills. Since governments still provide the infrastructure for modes of travel, it is timely to consider what the ACT government can do to assist Canberra people to balance their budgets while continuing to live a rich social life and get to and from work and their other activities as safely and conveniently as they need to.

A couple of years ago the Pentagon produced a study which showed that climate change is more of a threat to the world than terrorism. That is an interesting contrast. For this and other reasons, climate change is a sufficient reason to change our oil dependency, yet so far it has not inspired the commonwealth and territory governments to act meaningfully. This reality is now clearly evident, with even sceptical scientists acknowledging that the unprecedented thaw of the vast expanse of permafrost in Western Siberia is only one of a number of events bringing global warming closer. Indeed, hurricanes like Katrina, which exacerbated the oil shortages, will be more frequent as sea surfaces warm.

If we cannot act with urgency to save the planet, the more direct impact of rising oil prices may provide the spur for change. At the same time, we can achieve other policy objectives. We can reduce our greenhouse emissions to 1990 levels, which we have

committed to do by 2008; increase opportunities for social encounters; reduce the human impacts of air pollution and traffic accidents; and increase fitness.

Turning to peak oil, I should not have to—and I do not have the time to do so—argue today that we will never again see oil-based products at prices we have come to regard as normal. I expect my colleagues are already well aware of these facts. To summarise, with crude oil above \$US50 a barrel, experts are predicting that in 2008 global oil production will peak and thenceforth decline. This will occur without political events such as the war in Iraq and human exacerbated natural events like the New Orleans disaster adding further uncertainties to oil supplies. It will also be a factor even without the huge growing markets of China and other parts of the world which are now demanding their share of oil supplies.

This is one case where the market must not be allowed to determine our adaptation to a world with dwindling supplies of oil. The process of adjustment will inevitably favour those who already profit from oil and will be able to afford it, no matter the price. We can expect more wars for oil, food for oil sanctions and social unrest as poverty bites those who cannot work either because they cannot afford to get there or because their jobs went with the oil.

We cannot afford to let oil run out either. It is essential for the production of many goods that are essential to our way of life. Things we are not going to willingly dispense with—nor should we have to—are plastic bags, which are often used unnecessarily but are sometimes essential; bottles; pipes; fertilisers and pesticides; lipsticks—I can give those up—and pharmaceuticals. It is a long list, and there is much more. The fact is that oil, even if not used in products, is used in the transport methods that bring the products to us.

Letting the market solve our oil problem will not help the community and the voluntary organisations who deliver so many services to our most marginalised citizens. Government grants are already stretched thin. Paying more for petrol threatens the ability of many groups to maintain their services. Because these groups are the buffer against need and hardship in our community, they must themselves be buffered against petrol prices which have not been budgeted for. The International Energy Agency does not rely on the market to reduce oil demand. I will quote from something released earlier this year. It says that a rapid demand response, especially if coordinated against International Energy Agency countries, can send a strong market signal—ie, we have to tell the market what to do. The IEA recommends many of the initiatives that I will outline briefly later.

Despite its inevitability, I think we have time to act to reduce the shock of oil price shortages on Canberra. The year 2008—the target year for reducing greenhouse gases dropped last year by the Stanhope government—is also the year in which oil supply is expected to peak. Our government has a number of policy instruments it can use to work with Canberra people to make our city a leader in cooperative efforts to make Canberra more liveable and more sustainable. Today I will mention just some initiatives already working elsewhere. Sadly, this government is yet to show visionary leadership in reacting to climate change and rising oil prices. I expect to hear many of your ideas in today's discussion. Oil scarcity must be regarded as an opportunity as well as a challenge. By the way, people will perhaps argue with my information about peak oil but

I think we are talking about a number of years. You may argue with it but there is no doubt about it: oil is not a renewable source.

I turn now to cars and motor transport. They will never disappear, but the government could encourage the purchase of more fuel-efficient vehicles through sales tax, registration fees and parking charges. More parking facilities can be located near bus stops to encourage public transport use, where buses are not handy to people's homes. Scooters are increasing in use as the population ages. They should be encouraged, through path and road planning, with places to park them. There is a lot of confusion in our community about the rules that apply to scooters.

Car pooling through workplace and educational institutions should be encouraged. Shared-use vehicle systems are in place in many US and British cities, where a fleet of vehicles is shared between a group of people. Many people do not need cars for day-to-day use but they need access to a car. Other measures are car-free days, with prizes for the workplace which registers fewest cars coming to work on selected days of the month; encouraging cycling and walking; revitalised neighbourhood centres; encouraging people to shop locally; having cafes and community spaces within easy walking distance to develop sustainable communities; and reducing car use.

More people may be working at home with the new technologies. Why not have community resource centres where they can walk down, use fax machines, photocopiers and other things that have not even been invented yet but will make work easier in the next decade or so? We could have seating at regular spacings for elderly people, to encourage them to walk to the shops. Elderly people in Yarralumla complain that they cannot make the trip to the shops because they need to sit down on the way and there are not many places to do that. These are simple things. We could install a network of solar lamps to light bike and walking paths, which are quite dangerous and scary at night. Solar lamps can recharge during the day and light the night. We could plan new suburbs to include off-road walking and cycling tracks that are safe for children and non-lycra clad cyclists, which are accessible from all residences—and we could support bike hire services.

I refer to now to public transport. People are moving to public transport, but not quickly enough. Why not issue free bus tickets for a week to let people see how convenient bus services are; increase their frequency; extend night and weekend services; make them convenient; and make bus routes more flexible. I am very encouraged by the legislation tabled this morning by Mr Hargreaves to make that happen, with the inclusion of taxis in the public transport system.

We should plan for and establish light rail. Do not put in bus lanes that are going to cost millions and millions of dollars and then spend another few million dollars years down the track. Let us put the light rail in now. There are a number of routes that could be very convenient. We should make public transport easy to understand, accessible and useful for visitors; improve signage at the pedestrian level; put on buses to Namadji and Tidbinbilla on the weekends, so families can go out there for Sunday picnics; put on buses to all large public events, and lobby for better rail connections to Melbourne and Sydney.

In retail and planning, let us encourage local production because transport costs of imported goods will rise; encourage a diversity of types of shops at shopping centres so people do not have to drive all over Canberra for their Saturday shopping; maintain social and health services at town centres; increase the availability of neighbourhood centres in areas with demonstrated needs; require medium density developments to plan for shared social space and social mix, including affordable housing; and locate community facilities close to bus and/or light rail stops. These are long-term things, but let us start now.

**MRS DUNNE** (Ginninderra) (4.14): I welcome Dr Foskey's raising this matter of public importance because it so happens that I was addressing precisely these and similar issues at the Brisbane state of Australian cities conference just a fortnight ago. The conference—here is its program—was a multidisciplinary, multipartisan event during which I shared the platform with the likes of Professors Patrick Troy, John Quiggin, Frank Stilwell, Brendan Gleeson and Nicholas Low.

We all agreed that we needed to avoid the use of sustainability as a talisman, to get rid of magical thinking that characterises much of what is said when we talk about sustainable development, because we often merely name things as sustainable in the hope of making them so. One of the results of this is the cognitive distance between professed environmental beliefs and its practices. Sadly, this is no better illustrated than in Canberra, where a large number of people express very deep concern about general environmental issues while engaging in some of the most wasteful consumption in the country. As I have said before, it seems that our collective ambition seems to be to install a green shopping bag in every four-wheel drive vehicle in Canberra.

Another consequence of the way we approach sustainability is to encourage a sort of blanket opposition to sustainability itself, manifested by what I consider a fairly unfortunate article in today's *Canberra Times*, which ends up by mounting a defence of cars against all things. As we all agreed at the conference, we have to abandon the either/or perspective, which is an unhelpful polarisation, particularly when discussing the relationship between private car use and the development of effective public transport systems. Private cars and public transport must be complementary; they need not be in direct competition.

Obviously, permanently higher energy costs are a reality. To talk about the end of the cheap fossil fuel era is not to engage in doomsaying but to echo the sober research of nearly all observers outside the more deluded echelons of the oil industry. We are near the time of all-time global oil peak production—the point at which no increased production is possible—and there will be only gradual depletion. The estimates vary but some time between 2005 and 2017 seems to be the best guess. Of itself this will not produce a sudden crisis, unless there is politically-inspired panic on other grounds, but it will mean a permanent rise in the cost of energy, however generated. There are not going to be many cheap energy alternatives. Hydrogen energy at this stage is out of the question, if only because hydrogen requires more energy to produce than it returns.

Natural gas supplies are at greater risk of depletion than oil supplies. Wind and solar will only produce a fraction of what we are currently using, let alone what we will use—especially with the growth of industrialised economies like India and China—and they

are not useful for transportation. In any case, it cannot be manufactured without the underlying support of a fossil fuel industry. Wind and solar energy have huge levels of embedded energy in them.

Coal is far less versatile than oil and gas. It is less abundant than most people assume and, as we all know, fraught with huge ecological drawbacks. To produce enough biofuels to produce an adequate substitute for oil would require almost all the arable land on the surface of the earth, and we would be producing food for cars rather than people. In short, although we are still using these alternative energy sources as supplements, they will be neither cheap nor probably sufficient to replace what we have come to expect and have come to see as a historical anomaly in this period of cheap energy. Given this information, it is obviously sensible for us to support all initiatives to persuade people to use more fuel-efficient cars. To the stick of permanent high fuel prices we should add other sticks and carrots, perhaps increased charges for parking where alternative modes of transport are readily available, or different charges for vehicle registration.

Of course there are many ways in which government can lead by example. In Canberra senior public servants get a car as part of their remuneration package, partly because of their work hours but also partly for artificial reasons that have to do with commonwealth government defrauding itself of tax. Middle-ranking public servants are encouraged to buy cars through equally artificial FBT arrangements. They are also encouraged to drive them long distances through the same FBT arrangements. In Canberra in particular, cars are associated with status and buses become *infra dig*, not because of the operation of the free market but because of the exact reverse.

In the long term, the main carrot would have to be the various price and social advantages associated with improved public transport. Having said that, there are certain facts about the ACT that we have to accept. Part of its misfortune is that much of Canberra's development as a modern city occurred at the precise moment public transport ceased to be modern. The result is easily the most car dependent of all Australian capital cities, despite Walter Burley Griffin's original design and original intentions. At the same time, Canberra has two distinct advantages which, paradoxically, are generally regarded as vices. Firstly, most people are employed by the public service—either directly or indirectly—and we are also a more qualified and affluent population than anywhere else in the country.

Secondly, Canberra has a centrifugal character, not a central city place like Adelaide or Melbourne. Its nominal heart—Civic—is really one town among five. In economic terms, Canberra is a government town. Governments are infamous for forever shifting the location of their offices, usually for the worst possible reasons. However, this suggests that Canberra has the potential, as well as the need, to contrive an overarching sustainability policy that combines economic development of these city nodes with effective land use and sustainable integrated transport to encourage more mature development of these centres and a more balanced distribution of the work force.

The approach I am suggesting is partly precautionary. We do not want Canberra's peripheries to become Parisian style *banlieux*, detached from the main economy. More positively, a decentralised occupational structure is appropriate for an economy which predominantly relies on the public service, knowledge-based industries and personal services. Canberra is not a captive of topography; its industry is not dependent on mines

or harbours; and there is scope for reconfiguring. But it is apparent that, if we choose any of the substantive definitions of sustainability, a clever city in which everyone gets around behind his or her personal fossil fuel burner is not sustainable.

The obvious answer is a light rail transit system or some rapid transit system. This is an idea which has been resuscitated a number of times over the past 20 years, only to be discarded each time. The recent attempts to pursue the Griffin legacy have ignored the subject altogether. The claims in favour of light rail are strong. Rail efficiency is seven times greater than that of rubber-tyred vehicles on tar roads; a road lane can carry 2,500 people an hour; a busway can carry 5,000; and light rail can carry from 7,000 to 10,000 people.

Everyone will be familiar with the other numerous environmental benefits; yet, to date, we have shied away from doing anything about this, partly because of plain risk aversion and partly because of what some people might call fiscal responsibility, which pushes governments towards short-term incremental options. Ironically, such safe options may fail to capture the public's imagination as they fail to capture market share, precisely because the options are safe and unexciting. Nor are current initiatives like providing bus interchanges, real-time bus information and a busway between the town centres likely to do much more. The planned busway—unlike Brisbane's—would make almost no difference to commuter travel times.

It has been apparent for years that sensible public transport could pay for itself, especially in a city where land acquisition needs are few and they are facilitated by the leasehold system. At the last election, the Canberra Liberals undertook to look at the means of funding a light rail system for this territory. The following are some thoughts on the way forward. They are not hard policies; they are ideas for further development. The current government policy of limiting capital expenditure to what can be paid for from the annual budget would clearly rule out a project of this size, so we need to look at other funding options. Ironically, all governments, and especially Labor governments, are now reluctant to borrow in order to fund what any sane person would regard as necessary long-term investment.

Labor governments have burnt their fingers very badly in the not too distant past, especially in Victoria, but the result has not been a more careful approach to public borrowing, it has been an aversion to any public borrowing at all—as though there is no fundamental difference between borrowing for short-term consumption and borrowing to pay for essential infrastructure; as though borrowing cannot be done for good as well as for bad purposes. Just as the average family cannot finance home ownership without borrowing, so the average polity must finance at least some of its wealth-building infrastructure from borrowings.

Of course, it would be preferable if public borrowings could be supplemented by private investment. Unfortunately, given the recent history of public-private partnerships, that option is not looking so rosy these days. However, there is one type of partnership which would avoid the need for direct borrowing. That is based on what is called value capture. As a leasehold city, Canberra is particularly well placed to utilise such a model to help pay for expensive infrastructure through the increasing value of land along any transit route.

Businesses would have numerous reasons to relocate along the transit route—reduced general transportation costs, access to larger pools of potential services, jobs, customers and employees. There are numerous historical and contemporary examples of this. For example, value capture was used to develop the rail networks in the United States and was initially proposed by the South Australian government to fund the Adelaide to Darwin railway. Today Hong Kong's rail transit system receives no subsidy, all costs including interest are met from land rents from developments in station areas alone.

Surplus values have been generated from Washington DC's Metro and the London tube extension. Mr Temporary Deputy Speaker, you are probably saying to yourself, "These are high density cities with little bearing on Canberra's situation." Much closer is the Dublin area regional transport system. In 1991 dollars, the development added \$62 million to surrounding property values where the DART was built. Brisbane has seen the same increase in land values along its south-eastern busway. Investors gained from increased land values along a permanent route. This encouraged medium to long-term investment and permanent business relocation.

To sum up, Dr Foskey is right—we have to adapt our current car dependent city in response to the challenges of declining oil supplies, higher prices and climate change. To do so we must abandon the either/or mentality that sees questions of sustainability and development as mutually exclusive. More importantly, the challenge is to make the private car and public transport complementary, not competitive. I have suggested one general way in which this might be done. I would hope that, like those of us who attended the Brisbane conference, present and future members of the Legislative Assembly will see beyond short-term partisan interests to devise a generally cooperative approach to this extremely important issue.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Gentleman): Before I call the next speaker, I would like to draw members' attention to the gallery, where we have four staff members from the Senate and National Assembly of Pakistan.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.28): This government has made a clear commitment to sustainability to ensure that future generations have a lifestyle at least comparative to our own. Meeting the climate change challenge is part of that commitment. It will require leadership by government and an equal commitment by everyone in the community. It will require innovation, a risk management approach and effort directed at building our collective wisdom. We cannot achieve this in isolation. It is a local, regional, national and global responsibility.

The ACT government is currently developing a new ACT climate change strategy and an ACT energy policy. This is in recognition of the fact that most of the ACT's greenhouse gas emissions—nearly 70 per cent—arise from the use of energy and another 25 per cent arise from the use of energy associated with transport. Therefore, an energy policy that influences the types of energy sources, energy efficiency and energy demand will have an important influence on greenhouse outcomes for the ACT.

The sustainable transport plan and Canberra's spatial plan will also have an important part to play in reducing greenhouse gas emissions. Perhaps the most compelling, but still largely unrecognised, evidence of the lack of even short-term sustainability in Australia

is our very serious dependence on declining petroleum sources. Petroleum is currently essential for agriculture and most facets of Australia's community life and economic systems, as well as for transport. Many people assume, wrongly, that medium and short-term supplies are assured. There is mounting—and in my view clear—evidence from the oil industry itself that this complacency about future oil supplies is misplaced. Almost 80 per cent of Australia's petroleum use is in transport, 55 per cent of road transport fuel is petrol, 39 per cent diesel and six per cent LPG. Australia uses about 45,000 megalitres of petroleum every year.

This decline of petroleum sources poses a particular challenge for Canberra. As other members have noted, much of metropolitan Canberra was designed in the 1960s and 1970s around a car-based transport and land use system, with the expectation of a future public transport system. Currently cars provide the bulk of Canberra residents' accessibility needs—83 per cent of work trips—with relatively low use of public transport, walking and cycling for work trips—seven per cent, four per cent and 2.3 per cent respectively—based on the most recent census.

Compared with the Australian average for getting to and from work, Canberrans use their cars more, cycle more, walk about the same and use public transport less. The city has a high quality road system, substantial parking availability and high levels of car ownership, but declining oil supply, issues of greenhouse gas emissions, growing congestion and other negative externalities are some of the key issues for our car-based city. In response to the Canberra spatial plan, we have aimed to create a sustainable pattern of urban settlement in the ACT and the region. A well planned city reduces the ecological footprint of urban settlement, reduces the impact of human activities on our climate and, at the same time, allows the city to adapt to altered climates.

The spatial plan recognises that the per capita ecological footprint of the city needs to be reduced and has indicated this through limits of new growth within the territory to be within 15 kilometres of the centre of the city. This reflects our aspiration to restrain urban expansion while still allowing for economic development, amenity and the lifestyle benefits our city provides. Furthermore, the spatial plan encourages residential intensification within 7.5 kilometres of the city centre. This will ensure that a large proportion of the predicted urban growth is located close to major employment, services and facilities. It will consequently reduce the distance travelled and therefore the fuel consumed and the greenhouses emitted.

Through the sustainable transport plan, which was also released in 2004, the government has demonstrated that Canberra and Canberrans would benefit from a transport system that has a greater role for walking, cycling and public transport and the more efficient use of our existing infrastructure. The plan seeks to maintain the high levels of accessibility that Canberrans enjoy by achieving a shift towards more use of walking, cycling and public transport. It sets out to increase the use of sustainable transport modes—that is, walking, cycling and public transport—from 13 per cent of work trips in 2001 to 20 per cent in 2011 and 30 per cent in 2026. That is more than doubling the market share of environmentally friendly transport modes. As a comprehensive framework for a sustainable transport system, the plan contains strategies related to the following:

- integrate transport and land use, which is land use planning to reduce travel distances and to increase choice of transport modes and encourage greater use of sustainable transport;
- transport infrastructure, including roads, public transport systems such as dedicated busways, pedestrian facilities, lighting and signage, cycleways and shared paths and parking infrastructure;
- transport technology, through transport vehicle technologies and less reliance on fuels;
- behaviour change, such as TravelSmart programs, travel access plans and community awareness;
- intelligent transportation systems such as smart cards, global positioning systems and real-time information;
- economic and institutional reform, such as transport pricing, regulatory reform, parking supply and charging, and taxation reform;
- alternative modes of transport, including public transport, demand-responsive services and non-motorised transport; and
- planning models, such as transport modelling, data collection and analysis, investment assessment and funding.

The plan includes a package of mutually supportive initiatives to create a cultural change for transport. It is not easy, and it is often easy for people to make a cheap political point. The range of measures includes busways and bus priority measures; real-time information; improved public transport interchanges; improved cycling and walking facilities; investment in TravelSmart programs and integrated land use and transport planning.

A major thrust of the plan is the progressive improvement of the public transport system so it becomes a more attractive and viable alternative for many people and many trips. As congestion on the road increases, the improved public transport system will accommodate more of the demand, with a consequential lowering of greenhouse gas emissions and air pollution. We are achieving this already.

As I outlined only in question time today, public transport patronage amongst adult users—that is, those people who have the choice of using a car but are choosing instead to use public transport—is growing substantially. ACTION estimates it now achieves 8.13 per cent of all journeys to work by public transport and our target by 2011 is nine per cent. We are well on the way.

The other part of the plan is to investigate the development of busways. Busways will improve public transport facilities and help create a culture of public transport use. They will also provide dedicated public transport corridors and a system that enables transformation towards a public transport system that is less reliant on the private motor vehicle.

Corridors for public transport will be reserved into the future and allow for future technologies such as light rail or driverless vehicles if these are justified. We have

already committed \$6 million for this assessment—for the planning and designing of such a system.

Other improvements proposed and about to be implemented are real-time information systems that make public transport systems highly reliable, reduce uncertainty and provide opportunities for smart planning of public transport operations. The amount of \$6.76 million has been set aside for the implementation and tenders are currently being evaluated.

Walking and cycling are also being encouraged. We have developed a 10-year master plan for trunk cycling and walking path infrastructure. The master plan has been funded since its release last year infrastructure and improvements of more than \$1 million have already been undertaken. Another key policy to support the achievement of the plan is the implementation of TravelSmart programs that have proved to be very successful in encouraging walking, cycling and use of public transport. Our program will target over 10,000 households, 13,000 employees and 25 schools and will be undertaken in consultation and association with the Australian Greenhouse Office.

The government's view is that we are well placed to respond to these challenges. Within the territory we have a government committed to the principles of sustainability and to making Canberra a great place to live, work and play. We have a well-informed, interested and active community. We have some of the world's best research organisations on our doorstep and we have a location that is second to none. We have the opportunity, the capacity and the willingness to face these challenges. We have the strategies in place to start making it happen and our strategies are already demonstrating tangible results.

There is much more work to be done. Our targets in relation to modal split for transport use are challenging but I believe we have taken the first vital steps in addressing this challenge if we are to ensure our city can manage the shocks that will come from the increased costs of conventional oil supplies into the future.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Gentleman): The discussion is concluded.

### **Leave of absence**

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

That leave of absence from 16 December 2005 to 13 February 2006 inclusive be given to all members.

### **Suspension of standing orders—adjournment debate**

Motion (by **Ms MacDonald**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent the adjournment debate for today continuing past 30 minutes.

## Revenue Legislation Amendment Bill 2005 (No 2)

Debate resumed.

**MR SMYTH** (Brindabella—Leader of the Opposition) (4.39): The debate today on the Revenue Legislation Amendment Bill 2005 (No 2) provides us with another opportunity to examine some of the marks of this Treasurer's time in office. As my colleague Mr Mulcahy has pointed out, this bill, while proposing a number of useful amendments, also proposes a silly change to the way in which certain motor vehicles are to be valued for duty purposes.

There is a strong sense of *deja vu* about this proposal relating to motor vehicles. Many of us will recall the history of failure of this government with respect to taxation proposals. This history of failure has involved what seems to be an inability to research taxation proposals properly. It is timely for us to revisit this sad history of failure by this government because, as we all know, history has a habit of repeating itself—and that is what we have again from this Treasurer.

Let us talk about the loan security tax. As part of the 2003-04 budget, this Treasurer proposed the introduction of a loan security tax. What a fine example of a fiasco in public policy making the consideration of this tax turned out to be, what a mix of sloppiness and laziness in research and execution. We were first informed of the proposed loan security tax when the 2003 budget was brought down. It is interesting to see the words used in budget paper No 3 at that time to support the proposal: the proposed duty would "bring the ACT into line with the rest of Australia".

That statement was incorrect because the Northern Territory did not have that tax. But, more importantly, the research conducted by this Treasurer into the tax was completely deficient because, when this Treasurer introduced the tax proposal, he said that the policy in the ACT "will operate on a similar basis to that in Victoria". What he did not tell us, because he presumably did not know, was that Victoria at that time had already enacted legislation to abolish this tax as from 1 July 2004, and Western Australia had already announced that it would remove this tax from unsecured loans.

As if this was not bad enough, because we should expect better from a Treasurer with all the resources that he has at his disposal, we then had an admission from our Treasurer that there could be some adverse unintended consequences arising from the loan security tax. The Treasurer told the ACT community that the proposed loan security tax could lead to an unintended double taxation of transactions. He then said that further research was necessary to establish whether there would be any unintended outcomes. He also told the community that the tax would not apply to family trusts. A few days later, the Treasurer had to correct that information and tell us that the tax would apply to family trusts.

So we had from this government a proposal for a new tax that clearly had not been properly researched and claims about this tax as it existed in other jurisdictions that were incorrect. In the first instance, this Treasurer deferred the implementation of the loan security tax. The good news for the ACT community was that the Treasurer abandoned this proposal in August 2003. What a sad story of incompetence and sloppiness from this

Treasurer. I guess in the manual of how to develop public policy, this is a fine example that would be included in the “how not to” section, and, as if this sad saga was not enough, there was more from this Treasurer and this government.

Let us look at the ill-fated parking space tax. This is another example of a taxing proposal that has been consigned to the dustbins containing the government’s policy failures. In the 2003-04 budget, the Treasurer announced that the government would introduce a parking space tax. At first blush, he seemed to try to portray this tax as a reasonable proposal. But things started to unravel very quickly once the Treasurer was asked questions about the detail of this policy. It quickly became evident that this Treasurer, this government, had not undertaken all the research and all the consultation that are essential before such a policy is introduced. This proposal represented genuine back-of-the-envelope stuff. The approach of the Treasurer seemed to be that there was such a tax in Sydney and Melbourne, so why not have one in Canberra. Forget the necessity to prepare such a policy proposal properly.

It is also pertinent to remember that this proposal was not rushed. The Treasurer said after the budget had been brought down, “No, the parking space tax did not come up late in the piece but in preparing the budget.” So what does the history of taxing proposals tell us about the processes followed by this Treasurer? That is quite easily summarised: inadequate research, incomplete consultation and the details of the tax were incomplete, particularly with respect to potential exemptions from the tax. Once again, the ACT community was subjected to an example of pathetic, even sloppy, public policy making.

Then, of course, we had the bushfire tax. In the aftermath of the bushfire disaster of January 2003, this government proposed a bushfire tax as part of the 2003-04 budget. This tax would have raised \$5 million in each of two years to assist in the funding of recovery activities. We in the Liberal Party were convinced that such a tax was unnecessary as well as being discriminatory in its proposed application. We explained that the ACT had a wide range of potential sources of funds to assist in paying for the recovery from the bushfires and that it was premature of the ACT government to be talking about a bushfire tax when a number of alternative funding options were still available. The fact that this government failed to take full advantage of those options is just another indication of its incompetence.

The fourth example of the sloppy approach taken by this government to the formulation of public policy concerns the Treasurer’s attempt to change the rating policy in the ACT. As with the three previous instances of poor policy making, this proposal demonstrated the lack of research and development undertaken by the government. The Treasurer was questioned about the development of this rating proposal after he had announced it. In particular, he was asked about the impact of his rating policy on people living in different locations across Canberra.

We were most surprised to learn from the Treasurer that virtually no analysis had been made by the government of the way in which this rating policy would affect different people. The Treasurer was asked for any details of any research or modelling that had been undertaken to show the likely impact of the new rating policy. Mr Quinlan proudly told the Assembly that the only modelling he had done was one draft graph. Mind you, he first proposed a change to rating policy in June 2001.

Again we can look at the economic performance and the failures of this government. We have seen the profligate spending of this government and we have seen a budget that has grown from \$2.2 billion to \$2.8 billion this year, and what we have from this Treasurer is yet another proposal to put his hand deeper into the pockets of the people of Canberra to take their hard-earned cash.

In general terms, this bill is reasonable. The proposal to change the way in which certain motor vehicles will be valued for duty purposes, however, is not good public policy. It has all the hallmarks of a policy that seemed like a good idea at the time. The Treasurer, in introducing this bill, claimed that this proposal would reduce compliance costs, create administrative efficiencies for government and increase certainty for taxpayers. As Mr Mulcahy has explained to the Assembly, this process does not increase certainty. It does not reduce administrative complexity; on the contrary, there will be increased complexity because there will be now two systems for paying this tax, not one. There will be a duty on motor vehicles not previously registered in the ACT for which there is a list price. For those vehicles not previously registered in the ACT for which there is no list price, however, the current policy will remain.

It is clearly evident that there will be an additional category of motor vehicles for duty purposes, and this must represent increased complexity. Unfortunately for the ACT community, the proposal to introduce increased complexity in the duty regime for motor vehicles is not good public policy. Moreover, as we have shown, the government has not undertaken the proper research into this proposal, to the extent that claims made by the Treasurer in support of this proposal do not appear to be correct.

We will support this bill, although Mr Mulcahy will move some amendments to get rid of some of the more onerous parts of the bill, particularly in relation to payroll tax. For a government which in their economic white paper quite proudly proclaimed that they were going to be the most pro-small-business jurisdiction in the country to put the seven-day burden on small businesses I think is unacceptable. We will be seeking to change that and we will be seeking to oppose the valuations of certain motor vehicles for duty purposes and the changes to the payroll tax liability.

**MRS DUNNE** (Ginninderra) (4.49): I wish to concentrate on one element of this piece of legislation, which for the most part is the usual sort of fix-up that we have to do from time to time. I am singularly appalled at the proposal put forward by the government in relation to stamp duty on new vehicles. If ever there was a tight-fisted approach to racking the last possible cent out of the working men and women of Canberra, this is it. People save up to go out and buy a new car for their family.

The average person just does not wander into the first new car shop around the place and buy a vehicle.

**Mr Hargreaves:** My wife did.

**MRS DUNNE:** He does his market research, he works out what is the best sort of car for him and then he goes and shops around for the best deal. From time to time, with factory run-outs, oversupplies and things like this, you can get a not bad deal on the car of your choice—\$2,000 or \$3,000 off, or occasionally you might get—

**Mr Hargreaves:** She only got half a car, though.

**MR TEMPORARY DEPUTY SPEAKER:** Order!

**MRS DUNNE:** Mr Hargreaves tests my patience with that loud voice; it is a bit of a distraction from time to time.

What actually happens is that people go around and get the best possible deal for their family. Sometimes they can get the price knocked down and sometimes they can get \$1,000 worth of petrol thrown in. What Scrooge McDuff over there wants to do, what the Treasurer wants to do, is essentially to levy tax on a fraudulent basis—not on the basis of the price paid for the new vehicle but on the basis of the book price. So, irrespective of how good a deal Mr and Mrs Waramanga can get for their new car, Mr Quinlan as the Treasurer says, “I don’t care how good a deal it is, I think your car is worth X and you will pay X in stamp duty on it, irrespective of whether you got a discount on it.”

That is mean minded and mean spirited. Imagine the impact that that would have on fleet vehicles. A builder with a range of tradesmen working for him might go out and buy three or four utes and get a discount because of that. No, Mr Quinlan says, “The book price is \$3,000 more than you paid for it and you are going to pay the equivalent of \$3,000 worth of stamp duty more, irrespective of the price you paid.” This is an outrageous impost on the working men and women of Canberra.

**Mr Mulcahy:** Even unions will pay more for their fleets.

**MRS DUNNE:** Even the CFMEU will pay more. And what about people who are buying large vehicles—people buying 12-tonne trucks and things like that? If they do a deal and they get a discount, Mr Quinlan will make sure that he gets his pound of flesh out of it. The working men and women of Canberra, their families, their children, will be under an unjust impost. It will be in a sense a fraudulent calculation of the stamp duty because it will not be based on the actual price paid for something.

What does this Treasurer hope to gain by this, except the complete disregard, the complete opprobrium, of every new car buyer in this town? These are families, these are business people, these are unionists, these are everyday working people. What has he got against people buying new cars? You have to ask: is his grab for taxation revenue, his need to plug the dike, which is bursting all over the place, so great that it has to be done at the expense of family people in Canberra?

The proposal put forward by Mr Quinlan is wrong. It is not moral. It is not appropriate for Canberra in the 21st century. It is entirely and utterly inequitable. Mr Mulcahy proposes to delete this proposal, and it should be considered very carefully. As with many pieces of legislation, the more draconian provisions come in under the radar and people do not notice. But they will when they go to pay their stamp duty the first time after this law comes into effect. If this law comes into effect this week, the people who go out after Christmas and buy a car when there are discounts will suddenly realise just how tight a grip Ted Quinlan has on their wallets—and they will not appreciate it one bit.

**MRS BURKE** (Molonglo) (4.54): I have to agree with all the comments that have been made by my colleagues in this place today. While listening to the debate, what has struck me is how totally unfriendly these proposals by the government are towards everyday people, mums and dads. Mrs Dunne has eloquently said it, and my colleague Mr Mulcahy has said it too: this is yet another impost upon our community, which is already, by the government's own admission, in many cases doing it tough. So I ask the question: why do we slug them again in the hip pocket?

This government has now got a really good record of mismanaging its affairs. So what does it do? It slugs people in the community to make up for its ineptitude and mistakes. It is particularly mean to hit people at this time of the year with the sort of legislation on the table before us today. Other areas of this legislation will hit at small business. This government purports to be small business friendly. What an absolute shambolic state of affairs to stand up and say that and then go and do these sorts of things to really make sure that you put more and more pressure on small business owners, who are of course mums and dads and who employ people.

The government have lost their way in terms of their financial management of this city. They have totally lost their way. Because of the mistakes they have made, they are totally dependent now upon begging from all these people in the community. They need to be ashamed, to hang their heads in shame, for hitting at the people they purport to help and assist. In fact, that is an absolute sham. You say that in one breath, yet behind closed doors, by stealth, you go and hit them—hit them where it hurts hard, at Christmas. Why not? That sounds a really good idea. This is quite dumb. It does not make good sense, it is not good law, and I think the government need to really reassess where they are travelling in terms of revenue legislation in this city.

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

## **Adjournment**

Motion (by **Mr Corbell**) proposed

That the Assembly do now adjourn.

## **Valedictory**

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.57): I am feeling a little un-Christmassy after that last debate. I have been thinking about Christmas and I had decided to give each member for Christmas a metaphorical or virtual doll to carry through the year.

Mr Speaker, your doll would be of an Australian worker, complete with union ticket and an inexhaustible supply of cotton wool. For Jon Stanhope, there would be a Maria Doogan doll, complete with a remote on and off switch. For Mr Brendan Smyth, there would be a Richard Mulcahy doll, which comes with an industrial-strength voodoo kit and assorted sharp objects. Mr Corbell would also get the industrial-strength voodoo kit, but his doll would be much larger and take the form of Terry Snow.

For Vicki Dunne, the doll would be that of Peter Mark Roget of Thesaurus fame, to help her as she seems to have been running out of superlatives in trying to damn the government, damn Simon Corbell and damn the Chief Minister; but with a pull-string there will be a new supply. Bill Stefaniak will get a petty criminal; it comes with a cage and an endless supply of keys, so each day he can lock him up and throw away the key.

John Hargreaves gets the Aussie cliché doll: you pull a string and you get “a rat up a drainpipe”, “like a ferret on heat”, “a head like a Mongolian trotting duck” or something similar. Jacqui Burke gets a constituent doll. This is a very clever doll; it can call her office regularly and therefore she can make true claims of constituent calls on a regular basis.

Mr Richard Mulcahy gets a Peter Costello job, with a coat made of very heavy material so it can withstand repeated tugging. Mary Porter gets a volunteer doll with its price tag because we need to know at all times the value of volunteers. Deb Foskey gets no doll at all, but she gets a dolls house—from the private stock; it would not come from public stock. Mr Mick Gentleman would get a gelignite Jack Murray doll, the famed rally driver who blasted his own path whenever necessary.

Steve Pratt gets a PC Plod doll, life size, to take up the post at the bottom of his driveway and to ever be deferential and respectful for a man of his station. Karin MacDonald gets what she was expecting, I think—a baby Jesus doll, because she is the Jew girl. But I have decided to give her a Mark Latham doll, because she might do to him what he thinks has already been done to him. Finally, Zed Seselja gets a Zed Seselja doll. This is a life-size doll that can be propped up in a committee room so he will not be missed so often. On a serious note for Katy Gallagher, our thoughts are with her, and I hope that she has in the near future a real, live, healthy doll of her own.

May I just take the last few minutes to thank all of the support staff that we have in the Assembly for what we often take for granted. I also thank my staff, my very clever staff; I rank them as a fantastic team. They have been together for some time; they work together well. They have got utterly no respect whatsoever for me, but they have done a sterling job over the years and I truly do appreciate what they have done.

### **Valedictory**

**MR SMYTH** (Brindabella—Leader of the Opposition) (5.02): I, too, thank all involved with the year for the work they do for all of us, and on behalf of the opposition give our thanks to all the people we have had to deal with, have dealt with and helped over the course of the year, whether they be interest groups, lobby groups, people coming looking for something, but particularly the constituents, who, after all, are why we are here.

I thought I would mention that it has been a fertile year in the Assembly. Jane from the committee secretariat delivered baby Harry a couple of weeks back. The Clerk, of course through his wife, delivered baby Matilda, and our own Minister Katy is expecting, as the Treasurer has just said, her own lifelong doll some time in the next couple of weeks, and we all wish Katy well.

I am going to break a small confidence here and betray Midnight Max. As all of you would know, when Max turned up, the Assembly started to sit till midnight every night as a tradition, just because of Max's presence. Acting Clerk Max was able on Tuesday to ring the paternity leave Clerk to say, "I'm no longer Midnight Max. I'm now Midday Max; we knocked off at 11.17 on Tuesday," to which, apparently, the Clerk responded that he has now got Midnight Matilda to make up for it. So there are obviously lots of people who are learning about the joys of parenthood, and we wish young Matilda, young Harry, and whatever it is that Katy has as a young minister the best in the coming year.

To all those who make the place work, starting with your office, Mr Speaker: thank you for the way you look after us so generously and courteously all the year long. I have sat here in the shadow of your old spot and learnt much about interjecting over the course of the last couple of years—and of course it will continue. To the Clerk's office, through you, Acting Clerk, we would like to offer our thanks for all the assistance and the advice that we get from the Clerk. It is essential to what we do and we thank you for it.

To Lewis and the attendants: thanks, guys, for what you do. Whether it is the quick refills of the glasses, or responding to the hasty, "I need a sharpened pencil or a black texta" through to "Can you get me a copy of that report that was delivered some months ago because I forgot and left it up in the office," the attendants are always there, not just when we are sitting, with the courteous way they answer the phone on behalf of the Assembly, the way they greet people and get them to our offices, and make sure that we have what we need to do the job properly.

The same for the secretariat staff: we thank you for all the service that we get from the members of the secretariat. I am sure we are all grateful when the pay turns up on payday, through to all the assistance that we get for other matters. To the Hansard staff, who take down our words and who live up there in their black box and up on the second floor: we thank you for your work in keeping the record straight and for allowing us to settle our squabbles—and giving us things to eat later in the day, apparently.

To the library staff, who I think are often forgotten: I love the fact that we have a library here in the building. It is a fabulous resource, and they certainly look after us well. It is a service that I think could always be expanded. I remember the luxury days of a year at the federal parliamentary library, which is the library of all libraries in this country in terms of service and resource. It would be nice, Mr Speaker, to see the library get a little bit extra in the coming years, if that were possible.

For the committee office, it has been a bit of a year of hellos and goodbyes. We certainly farewelled Siobhan but we got Andrea in exchange, so welcome Andrea—and it is good to see Derek Abbott back, if only for a short while. It is nice to have your face around again, Derek. And congratulations to Robina on the promotion.

To all of my colleagues I would like to say thanks for a good year. We are certainly going to have a better year next year, and then the year after that, and the one after that. I give thanks to all the staff in the various offices for the work that they do in making the whole show run, particularly to my staff. To Alexis, Keith, Tim, Dinah and James: thanks very much for the way that you look after me. It is obvious, I think, to all of us

here that none of us can do this job without our staff, and without the staff and the way they work we would not be, in some cases, as good or as presentable as we are, so thanks very much to them.

To my family, to my daughters Amy and Lorena, who are growing up: thank you for all you have done for me; and to my wife Robyn, thank you for all that you do in coming out with me to all the functions that I have to go to and you choose to come to. It is great to have a partner that is there with you all the time. Robyn, I thank you very much, and I look forward to our first child in March next year. So I am looking forward to a big year next year, Mr Speaker. I wish all of my colleagues around the house and those that we work with a very merry Christmas.

The group that we perhaps most often forget in this place is the fourth estate. The lone representative up there in the gallery will no doubt take note that I say thankyou to the press. We do not always get what we want, but we always live in hope that Christmas will arrive every day with a front-page story or the lead article on the news. So, members, thanks very much, travel safely over Christmas, and merry Christmas to you all.

### **Valedictory**

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.07): I rise today to wish all members a safe and refreshing break over Christmas. I do hope that you all have a wonderful time with families and friends and that you return next year invigorated.

To my colleagues on this side of the house I say thanks for your support in my first year in the ministry. In particular, thank you to my backbench colleagues: Karin “spell my surname properly, idiot” MacDonald; Mick “not a rebel in sight” Gentleman, and Mary Porter AM. I thought the AM was ante meridiem and meant she only worked in the morning, until I found out it was actually an Order of Australia, and I am really pleased about that.

To the opposition and to Dr Foskey: I hope you come back refreshed and provide me with even more entertainment; I say thank you very much for that. To the A team and the B team, may the battle begin and may your divide grow even wider. I look forward to that in the new year.

To you, Mr Speaker: thanks for adjudicating fairly and with humour, not always easy but done, I must say, with aplomb; a huge amount of aplomb, and I thought maybe you could do with a plum next year. I love the accent coming from the bench. I was thinking the other day when you were saying that you wanted robes and a wig—

**MR SPEAKER:** I never said that.

**MR HARGREAVES:** and I thought: I don't know about the robe.

I would like to thank my office staff, Andrew, Lizzie, Maria and Ian, without whom my office would not enjoy the fine reputation it has. Our year just showed that shouting at

the minister does not always work. They shouted at me, I think, probably 75 per cent of post question time periods in the last year. I say to my staff: it was a fat lot of use, so I would not bother to waste your time next year.

No ministerial office can function without the support of DLOs and I have been blessed with the services of David, Matthew, Emma, Melissa, and Cathy and Ashley earlier in the year. They are magic people. People who wander the halls for something to do will notice a lot of laughter coming out of my office. That is because they are a magic bunch of people, and we do get a great laugh. I would like also to congratulate my departments and send to all the chief executives—Sandra Lambert, Mike Zissler, Peter Dunn and Audrey Fagan—my absolute gratitude. They are a fine bunch of professionals, and Canberra is all the better off for their service.

I would like to say thanks very much to the attendants this last year. How they sat through a whole year with a straight face is absolutely beyond me. I congratulate them for their professionalism, and I will try to do better for you next year. To the chamber support, Hansard, the library, Ray and Barry, the committee office, and, of course, the Assembly's corporate support, I say thank you very much for everything that you have done this last year. You have kept the high jump bar very high in the sky as far as I am concerned—very professional.

To the media, I also appreciate the fair and unbiased way in which you reported last year. I must admit I got confused between fifth columnists and fourth estate there for a while. But I think we will settle on fourth estate.

I would like, finally, to express publicly my gratitude to my wife, Jen, for putting up with some unseemly words during the year and for trying her best to keep me on the straight and narrow and, most importantly, as all of my colleagues would know with their wives, for her unswerving support for me in what can be sometimes a very difficult job.

To everybody: have a lovely time over the break with your families and your friends and let us come back next year, do some serious work and have a few laughs.

### **Mr Burke—personal attacks Valedictory**

**MRS BURKE** (Molonglo) (5.11): Mr Speaker, it is with some regret and disappointment, but very necessary, that I stand at the close of this Assembly this year to raise a very serious issue. At the heart of this issue is the matter of personal attacks in this place on my husband. Sadly, I must use this time now to stand to defend my husband's honour, simply because he has been refused a citizen's right of reply in this place. He has had to endure some of the most harsh, outrageous, vitriolic and scandalous attacks directed towards him in relation to his time as director of a cleaning business he once owned, Endoxos Pty Ltd.

It has been very disappointing to witness, not just this year but for the last four years, severe attacks on his integrity and credibility as a human being, as an employer, as a person who always tried to do the very best for the hundreds of people he has employed over the last 19 years, and of course as my husband. We have both endured numerous disgraceful verbal attacks upon us in this place and, more widely, through union

propaganda. You who stoop to such levels are to be pitied more than ridiculed in many ways; you are very bad losers.

During yet another ridiculous debate on WorkChoices yesterday, Mr Quinlan made a point of targeting me—or was it my husband?—in what was thinly disguised as an attack upon the federal government's industrial relations legislation. Mr Quinlan and other Labor members opposite should perhaps have availed themselves of the recent facts before attacking my husband and me in such a shabby way, which is clearly what Mr Quinlan's innuendo was all about yesterday. Mr Quinlan should have the courage to speak face to face with my husband about the truth of the matter, rather than making veiled accusations and assumptions, under parliamentary privilege. I note ironically, Mr Speaker, that the Chief Minister is rather keen not to see shabby politics in this place, yet he and his deputy would be two of the best for delivering shabby personal attacks on members of the opposition.

So, for the record, members, all entitlements at all times were paid to Endoxos employees. All Endoxos employees have, in fact, been paid long service leave—not once but twice. Ms Gallagher should now try to recover the moneys overpaid. All payroll tax has been paid. The union has had a vendetta against Endoxos for many years, and in fact I was threatened by a union official a few years ago, who said, "We will do all we can to close your business down"—and all this because we would not force our employees to be union members. The union has used employees in the cleaning industry for their own gain for years, with little to no positive outcome for the poor unsuspecting employees. The union lost their recent case against Endoxos and Endoxos have been awarded costs.

I might add here that Mr Quinlan might like to revisit his close associations with a certain local cleaning company before he continues to hurl accusations elsewhere. This company is well known for paying underaward rates. Once sprung, this company then, and only then, pays up. This same company has also been in strife in relation to arrears of payroll tax. I am wondering if the Treasurer and the Minister for Industrial Relations might check whether this same company has any government contracts. My husband would be happy to discuss the matter with either of you. Thank you, Mr Speaker and members, for that.

On a positive note, I will say to all members: I wish you a huge, blessed Christmas. I wish an absolutely good holiday, resting up, to everybody within this building, all the people involved that look after us so well. To my staff, Robin and Nick, thank you very, very much for your undying support. I also give thanks to the library staff; the education office, who are a vital link to the outside world; Hansard; the DLOs; the cleaners, who are often forgotten in this place; the Speaker's office; the Clerk's office; corporate services—maybe their Christmas present to members is the resources to do our job properly in this modern age; chamber support, you guys are the glue that holds this place together; the committee secretariat, particularly committee secretary Ellie Eggerking; Barry Schilg, and so it goes on. If I have missed anybody, I do apologise. I wish you all a safe, blessed Christmas. Let us come back next year refreshed and reinvigorated, and let us make sure that we follow Mr Stanhope's words and cease the shabby politicking.

### **Canberra Hospital—development issues Valedictory**

**MR MULCAHY** (Molonglo) (5.15): I will say a few words that are appropriate to the

season, but I want to raise a matter of importance to the people who elected me to represent them. On 10 November I attended a meeting of the Garran Residents Association at which a large number of residents expressed a variety of concerns about matters related to the hospital and future developments in the suburb. I will briefly outline the issues raised for the benefit of members of the Assembly.

The first issued related to the disruptiveness of helicopters approaching Canberra Hospital. Everybody accepts that these helicopters provide a vital service, and indeed their operators deserve great credit for life-saving efforts. However, there are concerns amongst residents over the apparent lack of regulation of flight paths. Whilst the SouthCare helicopter operators have shown sensitivity to the presence of residential areas and directed flight paths to minimise disruption, other operators appear not to have shown the same level of concern regarding the amenity of the suburb, and I think the real issue here is that there is a raft of other operators that are coming in over a variety of different flight paths.

Considering the efforts of the SouthCare operators, there appears to be no reason why a more regulated system could not be implemented. Without hindering the vital role of the helicopters, the living conditions of the people of Garran should be considered in enforcing regulations on things like flight paths, height over residential areas and cool down and warm-up periods.

Concerns were also raised at this meeting about parking in the hospital complex and the danger of overflow into the residential streets surrounding the hospital. There is already a lack of convenient parking for staff, residents, patients, visitors and volunteers to the Canberra Hospital. This will be potentially exacerbated by the proposed Mental Health Unit and also the loss of 600 parking spots.

It is also feared by residents that the introduction of pay parking at the hospital will lead to more overflow into the streets as those without parking permits seek to escape paying for parking. This is obviously detrimental to the amenity of the suburb and presents difficulties to residents trying to access their homes and park their cars.

I understand that Mr Hargreaves has undertaken to investigate the feasibility of residential parking permits in inner city suburbs like Reid, Turner and Braddon. I urge the ACT government to give regard to trialling this program in the areas of Garran close to the hospital to reduce the pressure that is being experienced by residents in the area.

The last issue that came up at the meeting—I also attended a consultative process there with departmental representatives—was the question of whether in fact there is a true master plan for the long-term development of the hospital. The ageing population in Canberra would suggest that the demand for health care is hardly going to decline. There are concerns amongst residents of Garran that they do not really understand whether such a plan exists and they are certainly seeking a greater level of consultation in that process.

I encourage the ACT to take time to explain the basis of decisions made in line with the apparent master plan to local residents. Whilst there is some consultation on immediate plans for the hospital's development, clearly a longer-term picture needs to be assessed that takes into account the impact on the neighbourhood, the impact on planning, the

issues related to the provision of emergency helicopter services and obviously, as I mentioned earlier, parking.

If such a plan does not exist, then obviously one should be developed. The process should include adequate consultation with the people of Garran so that their concerns, as outlined at that quite large meeting I attended, are taken into account. I seriously hope that the territory government will give regard to the concerns expressed by those residents and also residents of other suburbs in relation to the flight paths of helicopters. I have made representations to Mr Truss, who I believe is the federal minister responsible, in the hope that they may look at regulating the process without impacting on the important work provided by emergency services.

Finally, in the spirit of the season, I would like to thank my own staff, led by Ian Wearing. He has done a first-class job in providing me with economic advice and, in the current state of play, that is a full-time and a half job. I also thank the media for their coverage of the perspective I have offered on various issues.

I thank the people who have made my life easier here. Without exception the attendants are people of great courtesy who assist wherever possible, and I thank them. I want to thank the *Hansard* folks and the various others that the Leader of the Opposition cited. I want to place on record special thanks—and I can safely say that I speak on behalf of Dr Foskey and Ms MacDonald—to Andrea Cullen, secretary to the public accounts committee, who has done an exceptional job while faced with difficult personal challenges.

Finally, I would like to thank my family for their support. Today, for the first time in her life, my 12-year-old came to question time. She was a little amazed at what her father does as a daily pursuit, but my colleague Mr Seselja assured her this was not the normal routine. I wish all members and the Speaker and staff a happy Christmas and New Year.

### **ACT Motorcycle Riders Association—annual toy run Valedictory**

**MR GENTLEMAN** (Brindabella) (5.21): Christmas is a time of giving. It is a time usually associated with giving gifts to family and friends, sharing our time and cheers with our loved ones and consuming copious amounts of our chosen poison. But for 25 years now Christmas has meant so much more for those dedicated members of the ACT Motorcycle Riders Association. It means the organisation of their annual toy run.

This year they celebrate 25 years of giving to the families of Canberra. This wonderful cause raises much-needed funds for those less fortunate. The toy run is cleverly named because, in addition to financial support, the MRA toy run collects donations of toys for those children who may otherwise have missed out at Christmas. I was fortunate again this year to lead the ride, along with the president, Ms Robyn Major, and Senator Kate Lundy. As we rode into Garema Place, many members of the community were there to meet us, including Jacqui Burke. I note for *Hansard* that, next year, once she has obtained her licence, Mrs Burke has made a commitment to ride her own bike. We will not forget that, Mr Burke.

This year the ride raised a total of \$2,400 in cash donations. These funds will go directly to the Smith Family and the Salvation Army to help out during this, their busiest time of year. In addition, there were so many toys donated that MRA members had great difficulty loading them onto the back of a truck for delivery. Special mention needs to be made of the riders from Australia Post, who donated big boxes of toys valued at over \$3,000.

The toy run is about raising funds and donating toys. However, there is an additional element that goes with any MRA ride, that being safety. The MRA toy run usually attracts a crowd of around 600 attendees and safety is imperative for the safe passage of both the riders on the run, as well as other motorists that use the road. This is why the MRA of the ACT practises road craft and road safety on every ride they organise, particularly the toy run.

It is always an honour to be involved in all types of fund raising, but it is heart-warming to see the wonderful generosity of those that attended this year's 25th annual toy run. I thank the ACT MRA for their ongoing support in the ACT community. I wish them a very merry Christmas and a safe New Year.

On that note I would like also to take this opportunity to say thanks. This is, of course, my first year in the Assembly, along with Ms Porter, Dr Foskey, Mr Seselja and Mr Mulcahy. I hope their year has been as fantastic and as fulfilling as the year I have had. I thank all those involved in my first year as a member in the Assembly for their wonderful support and guidance.

I wish a merry and safe Christmas to all my Labor colleagues and staff, to Dr Foskey, to members of the opposition and members of their staff. May all your Christmases be happy and hopeful, and so, too, to the committee secretariat, especially to the staff of the committees that I am on—Hanna, Ellie, Derek and Linzi. To all the staff here in the Assembly, from the Clerk's office, the staff of the library and the attendants, thank you for your tireless work in making this Assembly work like a well oiled machine.

Finally, thank you and a merry Christmas to the members of my office, Lauren and Rebecca—and, soon to join us, James. Your hard work and support is always appreciated. I would also like to take the opportunity to wish a merry Christmas to my constituents in Brindabella, and Mark and Nathan from the gallery. Merry Christmas!

### **Valedictory**

**DR FOSKEY** (Molonglo) (5.24): I am not going to repeat anything anyone else has said. You have already said it and I endorse it. I wish I could be as funny as Ted, and next year I will try.

First of all, I want to thank all the Assembly staff, every one of you from every level. Since I first arrived here I have found you all friendly, helpful and informative. Sometimes you make my day.

I want to thank also other members who have been variously helpful, even when they were not being helpful, and who have taught me that in politics sadly there are few

friends, even apparently among colleagues in the same party. I have got to know you all, sometimes through talking to you, but mostly through listening to you and watching you. No doubt you have done the same with me.

I have also appreciated getting to know your staff. To some extent this was through trying to organise yoga classes—necessary, I might say, but sadly most of us were too busy to be regular attendees. Even so I want to thank Kay Reardon for coming along a number of times.

I also worked this year to improve our ability to deal with green waste. I am pleased to say that all my efforts were in vain because the issue has apparently been solved more comprehensively through other efforts than mine. It just goes to show that the world has greened up.

It has been of interest to me as a political scientist to study the workings of this place close up. As you know, I believe that majority government on the hill and under it does not serve our citizens well. I have a much clearer understanding of my role as a crossbench member, albeit the only one. I also believe I know better how to do it.

I lack party colleagues in this place, but I have great friends in my office. We work as a team and I have had tremendous support from them through some very difficult times. As you know, Roland and I try to colour coordinate, but today we have failed. Kate has not only worked beyond her paid hours but, I am pleased to announce, this semester achieved a brilliant result—she only found out yesterday—in her university course and she should be congratulated for that. Kate got 87 in her economic policy degree. She has discovered that there are things she likes about economics after all. I am very grateful to have her expertise in my office.

Indra is very sharp very sharp and on to environmental matters between running a small business. Andrew arrived at a time when his legal expertise really came in handy, around the time that the terror laws were put on the website. In fact, it could even have been the same day. His analysis has been invaluable to me. I want to acknowledge also Claire Henderson and Sam Paige, who worked for me earlier this year. I think Mr Hargreaves might have been on the sharp end of some of Ms Paige's comments. But she is sharp and astute and right to the point.

I also received support of a kind from my teenage daughter. She remains the major priority in my life. I thank her for her tolerance—sometimes. I will be supporting her through her transition to college next year. As for next year, I am up for it. Are you?

### **Valedictory**

**MR SESELJA** (Molonglo) (5.29): I am glad to get the call before Mrs Dunne. Her contribution will no doubt be very entertaining. I will be nice and short. I will not try and match Ted. I would like to take this opportunity to thank all of the support staff of the Assembly. That has already been said, but I certainly express my gratitude for the assistance that they give us. Mr Mulcahy mentioned the attendants, and I would like to endorse his comments. They are particularly courteous and friendly and helpful in all the things we need. So a very big merry Christmas to you and a very big thank you for your support throughout the last year and a bit.

I would like to thank my staff. At the moment it is a staff of one, and that has put a lot of pressure on Bob. I would like to thank Bob very much for his tireless work, particularly over the last couple of months, when there has been a significant extra burden on him. He is a hard working and loyal staff member and I am very grateful for the assistance that he gives me in the office. Mr Smyth mentioned the media. Mr Doherty has gone now, but I would like to thank Mr Doherty and all of our other friends in the media for their work during the year.

To my Assembly colleagues, both across the chamber and on my own side, thank you for the debates we have had, for the guidance I have had from some and for the general work that you all do. I know that everyone here seeks to represent their constituents as well as they can. I would like to thank you for the interactions we have had.

I cannot let the moment go past without thanking my wife Roz for her wonderful support. It has been a big year for us. We had baby number three, and the three boys are an amazing gift to us. What a wonderful family I have. I am very grateful for that and I wanted to put that on the record. Roz supports me and makes it much easier for me to do my job here. There is no doubt about that.

I would like to finish by wishing all Canberrans and those here a merry and safe Christmas. Tragically it is a time when many people lose their lives on our roads. We can only hope and pray that this will be a safe Christmas for all Canberrans and their loved ones. Once again, I would like to wish all Canberrans a merry Christmas and a very happy New Year.

### **Valedictory**

**MS PORTER** (Ginninderra) (5.31): Like Mr Gentleman, on this last sitting day of the year I would like to reflect on the past 12 months. Having been in this place for just over 12 months, I have found it on the whole to be a very satisfying experience to be able to make a small difference to many lives of people around Canberra, particularly in the electorate of Ginninderra.

I am very proud to have served under the Chief Minister and with colleagues in whom I have every confidence and to whom I owe my very deep thanks for their support and assistance in my role as a government backbencher. I thank the Speaker for his support and guidance. I thank those opposite and Dr Foskey for being in good spirits most of the time.

Christmas 2004 seems a long way away. But since I arrived in this place everyone that works here, the staff of the library, corporate services, the secretariat and the committee office have all made my life much easier—obviously easier than it would have been if they had not been here. The attendants all started off my day with a very cheerful hello, and I do appreciate that. Ben often distracted me with his trumpet playing late in the evening.

Members of the staff and DLOs have always been willing to assist my staff and me in every way possible and I thank them very much for their support. I would particularly

like to thank the staff of the ministers' offices. I have probably driven them pretty frantic with all my constituency matters.

I would like to thank my own staff, in particular Alys, whose smooth operation of my office helped me settle down when I first arrived and who has also been driven to distraction with the number of constituency matters that I have generated through my mobile offices. Thanks to Karin and Mick for your support as fellow backbenchers and to your staff for always being willing to help us with our responsibilities in our shared roles as backbenchers.

I would like to thank the people of Ginninderra for the faith they have placed in me by bringing a myriad of matters to my attention and for their numerous messages of good will that I have received of late. As Mr Seselja was just saying, Christmas time can be fraught with tension. Obviously, I would like to remember my family and friends at this time. It is a time for family and friends to get together and for neighbours to spend time with neighbours. I would especially like to recognise my family members for their understanding of my new role and the effect it has had on their lives. I thank my friends for their patience and their support.

I am looking forward to my Christmas volunteer doll from Mr Quinlan. It will remind us all how much volunteers in fact do cost the community, but also how much value they add. I am going to call the doll Mary Poppins especially for Mr Seselja. In the true spirit of Christmas, may I wish you all a very happy and safe holiday. To the last one out: don't forget to turn out the lights!

## **Justice system Valedictory**

**MR STEFANIAK** (Ginninderra) (6.35): Before I get to thanking people, I note with concern, having spoken to a number of lawyers at lunch time, that a long running matter was finalised today in the Court of Appeal. It brought to mind some real problems we have in the justice system in the territory, especially in relation to the Supreme Court and the Court of Appeal.

As of today, the ACT has not mounted a successful murder prosecution since the matter of Conway, which I understand was in 1998. That is no reflection whatsoever on the DPP. I note that the government in its paper in relation to the last annual report of the legal affairs committee said that it would look at the offence of constructive murder, and I certainly encourage them to do so. There are some issues there.

But there are some significant other issues as well. The most recent case, which has now been finalised, is the matter of Hillier. That matter was heard by a trial judge, as has always been the case in the territory. The system is certainly very fair to the accused, and I have no dramas with that. The accused was duly convicted. There was an appeal to the Court of Appeal, and I am concerned to see that that appeal was actually upheld. I think it was a very strong Crown case and some disturbing elements arise from the upholding of that appeal. Obviously, I am not going to comment too much, but I have some knowledge of the case and I encourage the DPP to appeal to the High Court, which would be the next court, as is their duty.

I am at a bit of a loss about what the Assembly can do about these problems. When the Court of Appeal was set up, the idea was that there would be two interstate judges, who invariably were judges of the Federal Court, who would be seconded to the Court of Appeal, as well as a local ACT judge other than the judge who heard the trial. I think that would be preferable.

**Mr Stanhope:** I raise a point of order, Mr Speaker. These comments attack a decision of the Court of Appeal. I do not think there is any other construction that can be put on the shadow Attorney's comments than that he is calling into question a decision brought down by the Court of Appeal. I urge him to show a greater degree of respect than his comments indicate.

**MR SPEAKER:** I think the comments go close to a reflection on the judiciary.

**MR STEFANIAK:** With respect, it does not, Mr Speaker. Reflecting adversely on the judiciary relates more to offensive comments in relation to individual members of the judiciary. I am certainly not doing that. I do think there are certain things we need to look at, though, in terms of how we run our appellate court system. We have a small Magistrates Court and an even smaller Supreme Court. The idea initially with the Court of Appeal was to have two judges from outside—and there are more judges from outside accredited to the Court of Appeal than local judges—plus one local judge who was not the trial judge. I think that would alleviate some problems that may well be occurring.

I do have concerns about this. I certainly do not withdraw my comments. These things should be tested in a higher court, and there is only one higher court. I have no further comments in relation to the matter. Perhaps that is a matter for the Attorney to look at, as far as he can.

I would like to thank all members who have been here throughout the year. Unlike our new members, I have been here for quite a long time. I think that each of us, despite our differences of view, is here to serve the people of the ACT to the best of our ability. I have seen that over the course of a number of Assemblies, and this last year is no different. So, to all members, to their staff, especially to my Liberal Party colleagues and their staff, I wish you the very best for Christmas and the New Year.

The Assembly staff, as always, have shown themselves to be thoroughly professional and helpful in everything they do. This place could not operate without them. Our role would be impossible were it not for the diligence of the staff, ranging through the attendants—Lewis and his colleagues—through to the Library staff, Hansard, Tom and Max, the committee secretariat, corporate services and everyone in this building who makes our job so much easier to do. They provide sterling service to us and, through us, to the people of the ACT. I would also like to thank all the other people who we come in contact with, including the media. It is an honour to represent the constituency of Ginninderra.

I would like to thank my own personal staff, Helen and Heidi. Finally, I would like to thank my wife Shirley and my family for their forbearance in putting up with me again

for one more year in this place. Merry Christmas to you all. I hope you have a very safe and happy Christmas. Hopefully some of you will get a chance to have a bit of a break.

### Valedictory

**MRS DUNNE** (Ginninderra) (5.40): Mr Speaker, last night I must have been transfixed by trying to juggle tomorrow's activities so that I could take advantage of your legendary hospitality at Speaker's drinks, in between the graduation and the staff do and the other functions on the day. In the course of the night I had what could only be described as a nightmare about Speaker's drinks. This was a Speaker's drinks like no other I had attended. Gone was the string quartet and gone, too, were the strolling minstrels—to be replaced by a karaoke machine.

In this dream, Mr Speaker—or perhaps, as I have said, this fevered nightmare—members took it in turns to strut their stuff for the karaoke machine. Pour encouragez les autres, you, Mr Speaker, took the lead with what seemed like the seasonable *Tannenbaum* but, because you cannot help yourself, it soon deteriorated into *The Red Flag*. Mr Smyth led off for the opposition with a stirring and slightly offbeat rap version of *Danny Boy*. You had to hear it to believe it.

Mr Speaker, for me, karaoke is a particular nightmare and so, to get that misery out of the way as soon as possible, I did my version of *The Gambler*, which in many ways sums up my political credo:

You've got to know when to hold 'em,  
know when to fold 'em,  
know when to walk away,  
know when to run.

The next to step up to the mike was Mr Gentleman. Given his advocacy for the TWU, he wanted to sing a trucker song, but we all held a secret ballot and instead he sang *The Great Pretender*. Ms Porter spent some time contemplating the play list and passed over a raucous rendition of the *The Boys Light Up* to give her own particular version of that old Lou Reed classic *Walk on the Wild Side*. But I think, Mr Speaker, that she actually got some of the words wrong. I am sure the original version did not have a line in it that went, "And the volunteers go doo doo doo doo doo".

Mr Mulcahy, still in his Dollar Sweets mood, passed over *Sweets for My Sweet* and chose that Willy Wonka children's favourite *Candy Man*:

The candy man can  
'cause he mixes it with love  
and makes the world taste good.

Please! I myself would have stuck with *Working Class Man*. Ms McDonald gave a gutsy version of Devo's *Whip It!* That left everyone hanging on her words, especially when it came to:

When the good times turn around  
you must whip it!

On all of these occasions there is someone who has to sing *My Way*. Now that Mrs Cross is not here, that was left to Mr Stanhope, who obliged on this occasion. No karaoke night is complete without a duet. Mr Corbell and Ms Gallagher filled the bill, not with a soulful rendition of a standard like *Unforgettable*, but with something more predictable—*Children of the Revolution*. Dr Foskey was going to sing something by Jamiroquai, but she could not pronounce it, and so she settled for *Material Girl*.

Mr Seselja was really in his element with the authentic pub song rendition of the *Holy Grail*:

Yeah, we razed four corners of the globe  
for the Holy Grail.

I am not sure what that means, but he really liked it. Mrs Burke was in her *My Fair Lady* mode and showed that she would be a contender for the next Eliza Doolittle with her own setting of *Wouldn't It Be Lovely?* The Treasurer, rather predictably, sang *Big Spender*, and we know that he ain't going to pop his cork for any guy he meets!

Mr Pratt was pretty keen to do just about anything by *The Police*, but after a few drinks he was persuaded to perform Michael Buble's *Sway*. Members were mesmerised by the first lines:

When marimba rhythms start to play  
dance with me, make me sway.

Mr Stefaniak actually resisted the temptation to do one of his old standards, like *48 Crash* or the *Idi Amin Song*, and he surprised us with a poppy rendition of the Kylie Minogue early work *Better the Devil You Know*. Of course, Mr Speaker, what would a karaoke night be without a couple of blokes really down in their cups doing a few Cold Chisel numbers? So to round off the night, there was Mr Hargreaves, with backing vocals provided by his staff, belting out *Khe Sanh*.

Well, Mr Speaker, the last plane of this place is just about to go and I would like to take the opportunity to thank the numerous staff of this Assembly. They are too numerous to mention them all. I would like to thank the people of Ginninderra for their support. I hope that I have supported them in return. I thank my own personal team: to Lyle, Olivia—who, despite an honour's degree, has always been a brick—Tom, Julia, Bella and Conor, Kate and Sean. My advice, Mr Speaker, is if you have hired the karaoke machine, blow the deposit and do not get it tomorrow.

### **Valedictory**

**MS MacDONALD** (Brindabella) (5.45): I had intended not to rise this evening but I changed my mind, as I am wont to do. Firstly, I would like to echo the thanks already given by those in this place to those who assist us in getting the job done. They make the wheels, the small cogs, the large cogs and the in-between cogs go around.

This has been my first full year as government whip. I have to say that it has been a steep learning year. I have learnt a lot and I will endeavour to do better next year. I believe that

I have actually toughened up and taken off the Pollyanna glasses. All I can say is: watch out next year.

I want to thank those who decided to help me in my toughening up process during the estimates process. It was enjoyable and challenging. As you all know, I am the Jew girl, so I will not pass on Christmas wishes to the Assembly. Instead I will wish you all a happy Hanukkah, and also the best for 2006. In the Jewish religion it is not the season for children to give to parents; it is the season in which parents give their children presents. We do not, as such, give presents to each other, but I will endeavour to pretend that you are all children. I am sure, Mr Speaker, that you will have no trouble in imagining this to be the case. As such, I present you all with a dreidel. Do not ask me for the rules of the game because I cannot remember. It has been a long time. Have fun with the dreidel!

### Valedictory

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.47): I would like to take the opportunity on this adjournment debate of the last day of the sitting year to extend my best wishes to all within the Assembly, all indeed within the Canberra community for a safe and happy holiday and Christmas season and a good 2006. I would like most particularly to thank my colleagues, the members of the government. I would like particularly to thank and acknowledge each and all of my colleagues individually for the role which each of you play in the government of the ACT.

I am very pleased with the performance of the government over this last year. I think it is a credit to the hard work and diligence of the team that comprises and constitutes the government. I often reflect on the fact that the burden of government within the territory falls on the shoulders of essentially nine people and I acknowledge the role that each of the nine of us who are the government of the ACT play in the many functions which we perform to govern this territory. I acknowledge the enormous hard work and the commitment and each and every one of the nine members of the government in producing good government for the ACT.

I must say that it is my personal view, 12 months after the achievement of majority government within the ACT—and I thank my colleagues for this—that we as a government are in a stronger position now than we were 12 months ago, and I thank each of you for that. Thank you very much.

I also acknowledge, of course, the role that the opposition plays, and I thank them for that. The strength of a government is, of course, reflected by the strength of the opposition and the way in which the parliament performs. I wish each member of the opposition a happy holiday season, a happy Christmas and a successful 2006.

I would also like most particularly to thank each and every member of the Legislative Assembly. I will not name them individually. Each of us would acknowledge that the strength of this democracy and of this parliament is a reflection of the work and diligence of each member of the staff of Legislative Assembly. I acknowledge and thank each of you for the enormous amount of work that you do.

Similarly, I thank the ACT Public Service. We have a highly professional, diligent, hard-working and committed public service. We, the government, impose on them mightily and enormously and they always respond. We sometimes tend to forget the enormous burden that the public service, in particular a small public service such as ours, carries. Our public servants are enormously professional, hard working and diligent. I thank each and every one of them for the work that they do for the government of the ACT, indeed for the Canberra community.

In that light, I also thank the community. There is a very high level of community engagement with the parliament and politics within the ACT. I think there is probably a higher level of engagement in the ACT than in any other place in Australia. It is a reflection on our intelligent, educated, connected community and I thank the community for that. I think that some of the successes that we have as a community, the social cohesion and the success of the community across the spectrum, across the board, is a result of the level of interest and the degree of engagement that exists from the ACT community. I thank all those members of the community that participate in the process of government and administration in those myriad ways. I thank them for their continuing support of the government and me.

I acknowledge our families. I particularly acknowledge my family. Politics is a tough business. Each of us takes a blow occasionally. One that gets under the guard is perhaps more than just a glancing blow, and none of us that can deny that. It is a tough, hard unrelenting business. Each of us suffers pain from time to time in the pursuit of the profession. We all know that. It is perhaps regrettable but it is a feature of an adversarial, democratic system and it is a sign of the health of the system. But our families suffer those blows from time to time and that we acknowledge the price which they pay and the pain which they bear on our behalf.

I acknowledge most particularly the role that my wife Robyn plays in supporting me. I thank her and all of my family for that. I acknowledge all of our families and the role they play in supporting us.

### **Valedictory**

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (5.53): I would simply like to extend my best wishes to all members of the Assembly and to your families and friends for a safe and peaceful holiday season. I would like also to echo the comments of many members in recognising the efforts of Assembly staff in the Secretariat—the attendants, the library, the committee office and a range of other functions around the Assembly. Thank you for continuing to provide for the effective management of this place throughout the year.

Can I single out the particular mention to two people who I feel do a largely unsung job in this place, and that is Mr Kas Paul who supports me as manager of government business in developing the program. Kas is a frenetic and always cheerful person who works very professionally in putting together the program throughout the year, and I thank him. I also thank Janice Rafferty from the Secretariat who assists us in making sure the language and terminology of our presentations in this place are always up to scratch. It is an enormous task every sitting of every year to put that web together, to

have the words in front of us so that we actually look pretty good. So thank you to Janice for that work also.

Can I finally extend my thanks to the professionals in the departments that I have responsibility for. I thank all of them, from the chief executives down, for the advice and support they have provided to me as minister over the past 12 months, in particular for the work they do in delivering services across the wide range of functions I have responsibility for.

Finally, can I express my thanks to the people who work in my office? I will not name them by name, but they collectively do an outstanding job in supporting my activities as minister, often in very difficult and demanding circumstances. Overall, their good humour and forthrightness is much appreciated by me and I extend to them by best wishes for a safe and peaceful break.

**The Assembly adjourned at 5.55 pm until Tuesday, 14 February 2006, at 10.30 am.**

## Answers to questions

### Telecommunications projects (Question No 534)

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 24 August 2005:

- (1) Across each of the purchasing agreements for (a) Firelink, (b) Plumtree Portal, (c) Trunk Radio Network (TRN) towers and equipment, (d) communications vehicles, (e) communications equipment, (f) computer aided dispatch, (g) broadband data links to emergency services bureau, suburban and volunteer stations, (h) commitment to aerial fire fighting strategy and (i) command and control capability for bushfire and emergency service, when was the funding appropriated for each of these projects;
- (2) How much has been (a) appropriated and (b) expended to date, for each project;
- (3) Which projects have now been fully expended;
- (4) Which projects have (a) exceeded the appropriation and (b) been completed under appropriation to date;
- (5) When did (a) each of these projects go to tender and (b) the tender for each project close;
- (6) How many tender submissions were received on each of the above projects;
- (7) For each project, if the tender has been let, when does the acquisition come on line;
- (8) For each project, if the tender has not been let, when will it be let.

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

- |     |           |   |  |
|-----|-----------|---|--|
| (1) | (a) – (c) | New Radio Project   | Capital – 2003/04 (over four years)<br>Recurrent – 2004/05 (over four years) |
|     | (d)       | Remote Area Communication Radio Vehicle (singular)  | 2003/04 – funded over four year period                                       |
|     | (e)       | Question is not specific, radio project included a provision for communications equipment.  |  |
|     | (f)       | Initial appropriation of 1999/2000 (over four years), plus additional appropriations in 2002/03 (over four years) & 2003/04 (over four years) |  |
|     | (g)       | 2003/04 (over four years)   |  |
|     | (h)       | 2003/04 (over four years)   |  |
|     | (i)       | 2003/04 (over four years)   |  |
| (2) | (a)       | (a)-(c)   | \$23.668m Capital, \$14.459m Recurrent                                       |
|     |           | (d)   | \$0.258m Capital, \$0.072m Recurrent   |
|     |           | (e)   | Part of Radio Project  |
|     |           | (f)   | \$2.850m Capital, \$3.648 Recurrent  |
|     |           | (g)   | \$0.229m Capital, \$1.789m Recurrent   |
|     |           | (h)   | \$3.098m Recurrent   |
|     |           | (i)   | \$0.853m Recurrent   |

- (b) (a) \$1.638m Capital, \$0.059m Recurrent
  - (b) (b) \$0.460m Capital, \$0.001m Recurrent
  - (b) (c) \$12.270 Capital, \$0.325m Recurrent
  - (b) (d) \$0.007m Capital, \$0 Recurrent
  - (b) (e) Part of Radio Project
  - (b) (f) \$7.248 Total – \$3.600m Capital, \$3.648 Recurrent
  - (b) (g) \$0.229m Capital, \$0.852m Recurrent
  - (b) (h) \$1.234m Recurrent
  - (b) (i) \$0.392m Recurrent
- (3) The Computer Aided Dispatch (CAD) system.
- (4) (a) The Computer Aided Dispatch (CAD) has exceeded appropriation by \$0.750m) due to capital works required during Y2K and accelerated commissioning date.
- (b) None
- (5) (a) (a) 21 September 2004
- (b) 30 June 2004
- (c) 20 May 2004
- (d) Has not yet gone to tender
- (e) Included in Radio Project
- (f) 5 January 2001
- (g) Provided by InTACT
- (h) Part of NAFC Contracts
- (i) Not required
- (5) (b) (a) Not applicable (single select)
- (b) 5 August 2004
- (c) Not applicable (single select)
- (d) Not applicable
- (e) Included in Radio Project
- (f) 28 February 2002
- (g) Provided by InTACT
- (h) Not applicable
- (i) Not required
- (6) (a) Not applicable – single select
- (b) Four
- (c) Not applicable – single select
- (d) Not applicable
- (e) Included in Radio Project
- (f) Four
- (g) Not applicable
- (h) Not applicable
- (i) Not applicable

- (7) (a) Project is in operational evaluation phase.
  - (b) 1 September 2004
  - (c) Phase 1: September 2004; Phase 2: planned for 30 June 2006
  - (d) Not applicable
  - (e) Part of radio project
  - (f) 16 August 2004
  - (g) Ongoing
  - (h) January 2005
  - (i) Not applicable
- (8) Not applicable
- 

**Public service positions  
(Question No 676)**

**Mr Mulcahy** asked the Chief Minister, upon notice, on 18 October 2005:

- (1) How many positions were advertised in the ACT public service in the nine months to the end of September 2005;
- (2) How many people applied for those advertised positions;
- (3) Of the applicants who were appointed to the advertised positions, how many were recruited from outside the ACT public service.

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

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

I note that in relation to part (1) of your question that the thirty-nine ACT Public Service Gazettes that were published between 1 January and 30 September 2005 are publicly available on the internet at [www.publishing.act.gov.au/gazette](http://www.publishing.act.gov.au/gazette).

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**Eastman trial costs  
(Question No 678)**

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

- (1) How much has been spent on the Miles Inquiry into the conviction of David Eastman;
- (2) How much has been spent on associated legal actions;
- (3) Over which years was this expenditure incurred and how much was spent each year.

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

- (1) \$1,529,383.00

- (2) The answer to question (1) relates to all costs incurred in relation to the Miles Inquiry, including the costs of any associated actions. The costs of associated actions are not recorded separately.
- (3) Expenditure was incurred as follows:
- |    |         |   |              |
|----|---------|---|--------------|
| a. | 2001/02 | - | \$216,526.00 |
| b. | 2002/03 | - | \$116,838.00 |
| c. | 2003/04 | - | \$233,344.00 |
| d. | 2004/05 | - | \$882,675.00 |
| e. | 2005/06 | - | \$80,000.00  |

### **Housing—tenancy matters (Question No 698)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 18 October 2005:

- (1) What is the intent and scope of the Tenancy Review Committee;
- (2) Why will the Committee, if constructed completely of Housing and Community Services staff, be given the ultimate authority to decide whether or not a tenancy matter should be referred to the Residential Tenancies Tribunal.

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

- (1) The Tenancy Review Committee (TRC) is a final internal review mechanism prior to the referral of tenancy matters to the Residential Tenancies Tribunal.

The TRC reviews cases identified for referral to the Residential Tenancies Tribunal due to rental arrears and other issues associated with compliance with the Residential Tenancy Agreement to assist public housing tenants to sustain their tenancies.

- (2) The TRC advises the Executive Director of Housing and Community Services, who as the delegate for the Commissioner for Housing, approves referrals to the Residential Tenancies Tribunal. Tenants, as a party to the Residential Tenancy Agreement, are also entitled to have matters listed for consideration by the Residential Tenancies Tribunal.

### **Dragway (Question No 732)**

**Mr Stefaniak** asked the Chief Minister, upon notice, on 15 November 2005:

- (1) Given that the Minister's response to question on notice No 527 stated that the dragway project would be completed within 12 months of the Government receiving required approvals, why has the Minister shifted the goal posts in regards to completion of this project given his pre-election commitment was that it would be completed within 18 months of the election;

- (2) Have any (a) planning or (b) environmental applications been lodged with relevant agencies for approval;
- (3) What, if any, (a) planning and (b) environmental approvals have been awarded for a dragway at Majura;
- (4) When does the Government expect all approvals, required under the Territory's planning and environmental laws, will be completed for this project.

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

- (1) As I indicated in the Assembly on 24 November 2005, in answer to a similar question from Mr Stefaniak, there is a range of significant issues in relation to the dragway development that need to be resolved. My department, in consultation with the Dragway Advisory Committee, has undertaken feasibility studies into the operation of a dragway on Block 51 Majura, focussing on the main threshold issues. The Dragway Advisory Committee is to provide advice to Government on the possible next steps, and the Government will then consider whether a specific proposal and detailed plans for a dragway on this site should be prepared for formal assessment and public consultation under relevant planning and environment legislation.
- (2) No.
- (3) Not applicable.
- (4) See answer to Question 1. The approvals, required under the Territory's planning and environmental laws, must relate to a specific proposal for a specific site, and the Government has not yet made a decision on these points.

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### **Capital works (Question No 736)**

**Mrs Dunne** asked the Minister for the Environment, upon notice, on 15 November 2005:

- (1) What was delivered for the \$401 000 expended on the International Arboretum project as listed in the 2004-05 June quarter capital works progress report;
- (2) What, if any, funds have been expended to date this financial year and what does this bring the total expenditure for this project to;
- (3) What work is planned on this project in the current financial year;
- (4) Is the Government still planning to have this project completed by the end of June 2007.

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

- (1) The \$401,000 expenditure consists of payments to consultants, prize money, printing, advertising and administrative costs associated with the Design Ideas Competition for Canberra International Arboretum and Gardens (Arboretum and Gardens), and earlier investigation and feasibility work.

- (2) Approximately \$180,000 has been expended directly on the Arboretum and Gardens) in 2005-06, bringing the total to \$680,000 on the project.
- (3) In the 2005-06 financial year the following work is proposed: finalisation of the design master plan and the business plan; relevant planning approvals sought from the National Capital Authority (NCA); construction manager appointed; and early tree plantings achieved for a number of the proposed forest areas.
- (4) The project will be developed in a programmed and integrated manner, consistent with relevant procurement and construction procedures, in time for the planned spring 2008 official opening.

### **Schools—apprehended violence orders (Question No 737)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 15 November 2005:

On how many occasions in (a) 2001, (b) 2002, (c) 2003, (d) 2004 and (e) 2005 to date, have school principals taken out an Apprehended Violence Order against a student due to that student threatening another student or teacher.

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

- (1) The department is not aware of any instances where this has occurred.

### **Capital works (Question No 738)**

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

- (1) What is the current status of the ACT NoWaste project *Hume Resource Recovery Estate Development* listed in the 2004-05 June quarter capital works progress report;
- (2) Has this project been completed, given the completion date is listed as October 2005; if so, when was it completed; if not, when will it be completed and what is the reason for the delay in completion;
- (3) Did this project run under or over budget or was the outstanding authorisation of \$221 000 expended in full.

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

- (1) The project has been completed.
- (2) The Hume Resource Recovery Estate 2004-2005 capital works project was physically completed in late November 2005. The projects practical completion was delayed by one month due to wet weather

- (3) As the project was only physically completed in late November 2005 financial completion is yet to be resolved. The end of project financial estimates indicate that the remaining \$221,000 is to be fully expended.
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**Development—Burnie Court site  
(Question No 739)**

**Mr Pratt** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 November 2005:

- (1) Given that it has been reported that a sewerage problem was in the process of being rectified in the vicinity of the Freycinet building at the old Burnie Court site in Lyons as at 9 November 2005, and that in a letter to me dated 7 October 2005 the Minister advised that his Department had investigated the site and had not located a sewerage leak or problem, when was the sewerage problem that was in the process of being rectified on 9 November 2005 (a) identified and (b) repaired;
- (2) Has this problem caused any problems for residents or prevented or delayed new residents from moving into the complex; if so, (a) what was the nature of the problem, (b) how long were residents inconvenienced by this problem and (c) when will/have they been able to reside fully in this complex without this sewerage problem;
- (3) What was the cost of repairs for this sewerage problem;
- (4) Has the problem been fully rectified or is there likely to be ongoing problems with sewerage in this area.

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

- (1) The sewer services have been passed by the BEPCON plumbing inspectors. No problem has been identified on inspection.
  - (2) No.
  - (3) See (1) above.
  - (4) See (1) above.
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**Roads—glass panels  
(Question No 740)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) Further to a letter to the editor in *The Canberra Times* on 20 October 2005 entitled "Blinded by the light", have glass panels been installed at various points along Fairbairn Avenue; if so, why;
- (2) Why were these glass panels installed when they blind motorists due to the reflection that is directed back towards the road at certain times throughout the day;

- (3) Who made the decision to install the glass panels and was the decision cleared by any higher authority; if not, why not;
- (4) Do the glass panels conform to all road design standards that are applicable; if not, why not;
- (5) What is the total cost of the glass panels, including installation;
- (6) Have any plans been made to remove the glass panels or otherwise solve this dangerous problem; if not why not.

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

- (1) Perspex panels have been installed at three locations for the purpose of traffic noise attenuation.
- (2) Investigations were undertaken during the design phase to determine the suitability of the perspex panels. Reflection was not considered a problem following inspections of similar installations in Sydney and Melbourne. The panels did have a protective film during construction and this may have caused some reflection.
- (3) A number of options were investigated for traffic noise attenuation by the design consultant. The relevant ACT Government agencies accepted the design. The National Capital Authority gave works approval for the project.
- (4) Yes.
- (5) \$350,000.
- (6) No, as the perspex panels are not considered a problem.

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### **Development—Mitchell (Question No 741)**

**Mr Pratt** asked the Minister for Urban Services (redirected to the Minister for Planning), upon notice, on 15 November 2005:

- (1) Is there a road planned in Mitchell to link Gungahlin Drive to Flemington Road; if so, will this road pass through the sites currently being utilised by (a) Belconnen Model Aeroplane Club (BMAC) and (b) CSG green waste disposal centre;
- (2) Given that concerns have been raised by some in the community that the green waste centre on Vickers Street in Mitchell will be closed due to a new access road, is there any threat that this centre will have to be closed to make way for a road; if so, what will the Government do to ensure that a green waste facility remains open in the Mitchell area; if not, has the Government made this clear to the owners of CSG;
- (3) What discussions, if any, have been held with the BMAC about future development north of Mitchell that may infringe on their grounds;

- (4) Will BMAC be forced to move in the foreseeable future and what is the Government doing to ensure there is an appropriate open space for them to still undertake their flying activities.

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

- (1) Yes.
    - (a) No.
    - (b) Yes.
  - (2) The CSG green waste disposal centre in Mitchell will have to be closed to facilitate the extension of Wells Station Drive and CSG has been given advance notice of this requirement. The ACT Planning and Land Authority and ACT NoWaste have been working together to identify a suitable new site for continuation of accepting green waste in Mitchell. CSG is aware of this.
  - (3) The Planning and Land Authority has been involved in assisting BMAC with identifying a suitable new site for their flying activities since 2003.
  - (4) An area within Mitchell Section 41 has been identified as the new site for BMAC relocation by end of 2005. The licence for the new site was granted on 30<sup>th</sup> November 2005.
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### **Roads—safety improvements (Question No 742)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) For the minor new works projects described as (a) Road Safety Improvements and (b) Traffic Management at Schools, listed in the 2004-05 June quarter capital works progress report, have the respective outstanding authorisations of \$72 000 and \$97 000 been expended on these projects;
- (2) If so, when were the remaining funds expended; if not, why not, and when will the remaining funds be expended and these projects completed given their respective completion dates were October 2005 and August 2005;
- (3) What road safety improvements have been delivered for the expenditure of funds for "Road Safety Improvements";
- (4) Which schools have seen traffic management improvements as a result of expenditure for "Traffic Management at Schools".

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

- (1) Yes.
- (2) Road Safety Improvements - \$72,000 expended in July 2005.  
Traffic Management at Schools – \$94,000 expended in July 2005 and \$3,000 in October 2005.

- (3) These Road Safety improvements funds covered elements of the Kings Avenue / Parkes Way roundabout improvements; Mary Potter / Haydon Drive traffic lights; traffic management at Erindale; Belconnen Pool entry works; signs and lines at Cowlshaw Street in addition to the design and investigation of a number of other road safety projects.
- (4) Taylor PS, St Clare of Assisi PS, Sacred Heart PS, Gordon PS, St Thomas Aquinas PS, Church of England Girls Grammar, Hawker College, Belconnen HS, Holy Trinity PS, Calwell PS, Torrens PS, Canberra College, Telopea Park School, Miles Franklin PS, St Francis Xavier College, St John the Apostle PS, Higgins PS, Melrose HS and Marist College, Hughes PS.

### **Capital works (Question No 744)**

**Mr Pratt** asked the Minister for Urban Services (redirected to the Minister for Planning), upon notice, on 15 November 2005:

- (1) Why is the Land Development Infrastructure project of “Gundaroo Drive Extension into Forde” listed in the 2004-05 June quarter Capital Works Progress Report as cancelled;
- (2) What was delivered for the \$2000 expended on this project and why was funding for the project revised down from \$29 000 to \$2000;
- (3) What is the significance of the cancellation of this project and will it be renewed in a further capital works budget.

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

- (1) The forward design project is no longer required because the road will be constructed by the land development Joint Venture in Forde.
- (2) The project was cancelled before calling tenders and therefore \$2,000 only was expended by ACT Procurement Solutions.
- (3) The project will not be renewed in a future capital works budget as the road will alternatively be constructed by the land development Joint Venture in Forde.

### **Roads—accidents at intersections (Question No 745)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) Further to the response to question on notice No 687, is the Minister concerned by the figures, in particular, the high accident rate at roundabouts, give way signs and uncontrolled intersections;
- (2) What, if any, work is being done to address the intersections listed by the NRMA in its annual study of intersections;

- (3) Has the Government undertaken any of its own research to determine why the accident rate is so high at (a) roundabouts, (b) give way signs and (c) uncontrolled intersections; if so, what did that research show and what change is the Government considering to reduce the accident rate; if not, would the Government consider such research in an effort to reduce the accident rate;
- (4) Has the Government considered the installation of more stop signs at uncontrolled intersections to reduce the accident rate, given the lowest accident rate is at intersections with stop signs; if so, does the Minister have a list of intersections under consideration and what are those intersections; if not, what are the reasons for not wanting to install more stop signs at uncontrolled intersections;
- (5) What work, if any, is currently being done to reduce the accident rate at (a) roundabouts, (b) give way signs and (c) uncontrolled intersections in the ACT.

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

- (1) No. The accident types and rates at roundabouts and other intersections in the ACT are no different to those in other jurisdictions in Australia. Furthermore, roundabouts may increase the number of rear end collisions but are very effective in reducing the more severe right-angle collisions.
- (2) The NRMA ranking is normally based on accidents information in a one-year period. Urban Services analyse all intersections in the ACT based on their 2 year and 5-year accidents records. The worst locations become candidates for funding as part of the annual Road Safety Improvements program or the Federally-funded Blackspot program.
- (3) Urban Services programs are structured to analyse and improve safety at the worst locations in the ACT regardless of the traffic control type at these locations.
- (4) Most of the uncontrolled intersections in the ACT are on minor local roads and the need for any form of control is generally not justified. "Stop" and "Giveaway" signs are erected on a case-by-case basis when warranted.
- (5) Refer to (2).

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**Weston—tree removals  
(Question No 746)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) Further to a letter to the editor in *The Canberra Times* on Thursday, 27 October entitled 'An Over-Reaction', why are trees being cut down in and around Weston;
- (2) What are the sites where trees have been or will be cut down and the dates when tree removal has taken place or is planned to take place;
- (3) To date, approximately how many trees have been cut down and how many are estimated to be cut down in total;
- (4) Why have the residents of nearby areas not been sufficiently informed about the tree removal operations and is it so community backlash can be avoided;

- (5) What effect will the removal of these trees have on the area and will it lead to community areas that are currently used by residents for exercising or other activities becoming hazardous to use; if not, why not;
- (6) Who is undertaking the removal of the trees.

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

- (1) In accordance with the Strategic Bushfire Management Plan (SBMP) for the ACT Version 1, Urban Services, through their Bushfire Operation Plans (BOP) are contributing to residents' defensible space by reducing fuel loads in inner and outer fuel-management protection zones.
- (2) The works are been carried out in urban open space that runs along the Tuggeranong Parkway and Hindmarsh Drive through to Heysen Street in Weston. Work commenced in October and will continue through to mid December 2005.
- (3) The number of mature trees removed to date is in the order of 25 with a trunk girth greater than 12 inches, these were located either under power lines or interfering with bushfire emergency access. The works will continue to remove dead trees and shrubs, saplings, woody weeds and vegetation that interferes with bushfire operations such as access and the ability to provide a defensible space at the rear of properties. No more mature trees will be removed from this project.
- (4) The Department of Urban Services carried out a letter box drop to nearby residents giving two weeks notice of the commencement of the works and providing the opportunity to discuss the works on site or by telephone. Consultation occurred with a number of residents both prior to and during the early stages of the works and these residents were all satisfied with the process and requirement to meet the SBMP.
- (5) The works carried out in these areas are providing a defensible space and access for bushfire mitigation in accordance with the SBMP. The removal of the vegetation reduces any hazards and actually makes the areas more accessible to the community as well as bushfire services.
- (6) The bushfire operational crews for Urban Services are undertaking the work as part of the Bushfire Operation Plans for 2005/2006.

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**Security—Macarthur House  
(Question No 747)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) How long have external security guards been in use at Macarthur House in Lyneham and what is the reason for their presence;
- (2) What is the cost of these security guards to the ACT Government;
- (3) Is the use of these guards a permanent measure or a temporary arrangement and why.

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

- (1) The security guards have been in place since 22 June 2005 and were employed to ease increasing problems with car parking availability at Macarthur House. Their role is to ensure that only staff or authorised visitors use the car park prior to 8.30am each workday.
  - (2) The cost is \$1,300 per week including GST for two guards each day.
  - (3) The guards will remain in place until approximately the end of February 2006 by when boom gates should be installed.
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**Motorcycles—safety  
(Question No 748)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 15 November 2005:

- (1) Is it compulsory for motorcycle riders to have their headlights turned on at all times of the day and night while riding in order to improve visibility; if not, why not and what is the current legislation in regards to the use of headlights for motorcyclists;
- (2) What training is provided to motorcycle riders in the ACT in relation to road safety and of this training what aspects are (a) compulsory and (b) voluntary;
- (3) What advice is given during such training in relation to the use of headlights whilst riding a motorcycle;
- (4) What are the rules in relation to the colour of clothing that motorcyclists must/should wear when riding a motorcycle to increase visibility;
- (5) Given the relatively large percentage of motorcycle rider deaths in the ACT this year, what specifically is being done by the ACT Government to improve road safety for motorcyclists.

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

- (1) No, it is not compulsory for motorcycle riders to use headlights when riding. This issue is not on the agenda for national or jurisdictional consideration.
- (2) (a) Pre-Learner Licence course is mandatory;  
(b) If a person fails the Rider Assessment Test, it is a mandatory requirement to complete the Pre-Provisional Licence Course. This course is also available on a voluntary basis for any rider.
- (3) The training courses do not specifically address this issue. However, the majority of road motorbikes, available for purchase since 1990, contain safety features such as automatic lights on when ignition started.
- (4) The Australian Road Rules require all riders to wear an approved helmet. There are no specific rules regarding clothing. The Pre-Learner Licence Course advises riders on appropriate clothing and footwear.

- (5) As stated in the 2005-06 Road Safety Action Plan the following actions are being addressed:
- Promotion of improved interaction between motorcyclists and motorists through awareness and education campaigns; and
  - Improvement of motorcycle rider training and licencing requirements.
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### **Emergencies—residents guide (Question No 750)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 15 November 2005:

- (1) How many households in the ACT have been supplied with the guide *Emergencies and the National Capital – A residents guide*;
- (2) Have all households been supplied with this brochure to date; if not, why not;
- (3) What was the total cost of (a) production, (b) printing and (c) delivery for this guide;
- (4) Given the importance of the contents of this publication for all households, why was this guide delivered to households inside batches of other advertising material and junk mail, making it easy to miss or discard;
- (5) Why was this material not addressed, packaged or labelled individually to the householder so as to minimise the risk of accidentally being discarded along with unread junk mail;
- (6) Given that this brochure was included and folded in amongst other advertising material, can he confirm that the guide was in fact delivered to all households with “no junk mail” labels; if not, why not;
- (7) Why did the Minister skimp on the delivery of this very important document instead of ensuring that it was properly delivered and received by ACT households;
- (8) How can householders obtain another copy of this brochure if, in fact, they did not knowingly receive a copy in the mail.

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

- (1) The guides are being distributed to all households in the ACT, a total of approximately 130,000 households.
- (2) The Emergency Services Authority (ESA) has made arrangements for the guides to be distributed to all households in the month of November. The distribution commenced on the weekend of 5 and 6 November 2005. The distribution was accompanied by an extensive media awareness campaign designed to draw ACT residents’ attention to the November delivery.
- (3) The total cost of the producing, printing and delivery of the guide is approximately \$43,000.

- (4) The method of dissemination for these guides to all ACT households is cost effective and is no different from previous distribution of ACT Government materials to all households.
  - (5) The guides have been distributed in this manner, as they are not targeted at specific individuals but for the use of all residents in the ACT.
  - (6) The contractual arrangements for delivery state that the guide is delivered to all households in the ACT, including those with no junk mail signs, as Emergency Services information is exempt from the regulations regarding junk mail.
  - (7) Funds were allocated for the distribution of the guides to all households in a cost effective manner. The delivery company used is a local small business and was selected in accordance with standard ACT Government practices.
  - (8) Additional copies of the guide can be collected at ACT Government shopfronts or by calling the ESA on 6207 8696. Audio and translated versions are also available from the ESA on request. An electronic copy is also available online at [www.esa.act.gov.au](http://www.esa.act.gov.au).
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### **Land—releases (Question No 751)**

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

What mechanisms are now in place to aid with land release in the ACT that is suitable for community and affordable housing providers.

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

Details of a mechanism in place for the release of land that is suitable for community housing and affordable housing providers is on pages 32 and 33 of 'Progress on Affordable Housing in the ACT'. It is also possible for such groups to apply for the grant of a lease over land by way of direct sale.

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### **Housing—tenant appeals (Question No 752)**

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

- (1) What was the outcome of the review of the appeals mechanisms and policy for community housing tenants that would improve upon current procedures;
- (2) At what point is it anticipated that the improved appeals mechanism for community housing tenants will be implemented in 2006.

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

- (1) A consultant's report, *Consultation on an external appeals system for community housing in the ACT*, was provided to the Department of Disability, Housing and Community Services in 2004. The outcome was 'unanimous agreement that any appeals process needs both a process internal to individual organisations, and an opportunity for applicants and tenants to seek an external hearing where an internal process fails to yield satisfaction'.
- (2) A forum was held recently with tenants, CARE Financial Counselling Service, Welfare Rights and Legal Centre, Tenant's Union, ACTCOSS and other Community representatives discussing this issue. It is anticipated that a position on the matter will be discussed at the Housing Summit.

### **YWCA—community programs (Question No 753)**

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

- (1) How has the Bega, Allawah, Currong (BAC) Program, run in conjunction with the YWCA, progressed since its conception;
- (2) What recommendations have arisen from any recent review and evaluation of the program;
- (3) At what point in 2006 will the recommendations be delivered to improve upon the BAC Program.

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

- (1) The YWCA's Bega, Allawah, Currong (BAC) Program is a community development program and as such, responds to the needs of residents over time, including the addition of an IT component which offers free computer use to residents.
- (2) The Community Linkages Program was reviewed in October 2004. There were no specific recommendations in relation to the BAC Program.
- (3) See above.

### **Housing—tenant assistance (Question No 754)**

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

- (1) How does Housing ACT identify any existing information on public housing tenants to identify them as work ready and to assist them to access information and referral services to improve employment prospects;

- (2) If a program exists, how many public housing tenants has Housing ACT identified through such a procedure and assisted in seeking services that increase the likelihood of employment.

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

- (1) Tenants seeking a rental rebate are required to declare the current source and level of income for all persons in the household. Any person who declares that they are receiving either Youth Allowance or Newstart allowance from Centrelink is considered to be "work ready. Tenants on an aged pensions, disability pension or single parent benefit are not determined as being "work ready" although these individuals may be looking for work.
- (2) Under the 2003 Commonwealth State Housing Agreement, the ACT is committed to ensuring that housing assistance promotes access to employment with a number of key outcomes including that rent policies support access to employment and location facilitates access to employment.

In this context, a number of proposals are at various stages of implementation or development. These include the introduction of an incentives policy on 1 September 2005, that applies to tenants entering the workforce where the rental rebate applying before a tenant enters the workforce will be extended for a full six months from the day employment commences.

Another initiative relates to income, deeming for self-employed tenants where the income policy for such tenants has been amended so that where the stated income of a self-employed member of a household is less than the relevant Centrelink entitlement he/she will be deemed to have received a level of income equivalent to that entitlement, rather than the relevant trade award rate.

The recently released National Social Housing Survey 2005 shows that the percentage of tenants satisfied with their location, including accessibility to places of employment, remains above the national average. The survey also reported that the ACT has the highest number of employed or looking for work tenants than any other jurisdiction.

Housing ACT also provides linkages for tenants to the broader community through the Community Linkages Program, which encompasses a range of programs that provide training in employment related skills; and, the BAC (Bega, Allawah, Currong Flats) program, which specifically provides IT training. The Community Linkages Program also builds social inclusion and connectedness, which is well documented as contributing to people's ability to reconnect with the community, including through seeking employment.

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### **Housing—rental policy (Question No 755)**

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

- (1) What were the outcomes of the review of rent policies for community and public housing tenants;

- (2) What recommendations will be acted upon as a result of any changes to the rent policy.

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

- (1) No formal full review of rent policies for community and public housing tenants has been carried out.
- (2) One of the strategies under the Bilateral Agreement for the 2003 Commonwealth State Housing Agreement is to conduct a rent review of public housing and community housing rent policies to ensure that these rent policies support access to employment. In response to this, the Government has provided an incentive for tenants and other occupants of public housing to seek paid employment. This is to be achieved by extending the existing rebate for six months from the date of employment rather than from the date of granting the existing rebate. The change in policy provides that after 1 September 2005, where a previously unemployed occupant of public housing commences employment, and the household was in receipt of a rebate, the period of the rebate will be extended by six months from the date the employment commences. The policy will apply to all household members, provided that they were approved occupants at the time that the existing rebate was granted and the remuneration from the employment is at least \$100 per week.

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### **Housing ACT—stock condition report (Question No 756)**

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

Has the Stock Condition report for Housing ACT been completed; if so, are copies available for scrutiny and what percentage of Housing ACT's available housing stock met the set conditions standard.

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

- (1) At 30 June 2005, an audit of 8,396 public housing properties was completed. The condition assessment is an ongoing process.
- (2) No, a copy of a report is not available for scrutiny.
- (3) At 30 June 2005, an audit of 8,396 public housing properties was completed. Properties recently refurbished or purchased were excluded from the condition audit. Approximately 82% of those properties audited met or exceeded the conditions standard on the majority of major property features. Minor works to 20% of the audited properties is required on individual aspects of the property to be brought up to standard. Works identified in the condition assessment will form the basis of the Total Facility Manager's planned works programs.

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### **Housing—transfer applications (Question No 757)**

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

- (1) What were the outcomes of the review of the current transfer application and policy for public housing tenants;
- (2) How does the new policy differ from the previous policy and what benefits will arise for tenants in relation to any new transfer application procedures.

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

- (1) There has been no review of the transfer application policy for public housing tenants.
- (2) See above. There are no new transfer application procedures.

### **Housing ACT—performance levels (Question No 758)**

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

What are the levels of improvement or maintenance of levels of performance for Housing ACT in (a) 2003-04, (b) 2004-05 and (c) 2005 to date in relation to (i) return on assets, (ii) return on equity, (iii) the liquidity ratio and (iv) debt to equity ratio.

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

The ratios requested are set out in the table below

	<i>2003-04 Actual</i>	<i>2004-05 Actual</i>	<i>2005-06 Actual 31 October 2005</i>
<b>Profitability</b>			
Return on Assets	-0.05%	-0.28%	0.09%
Return on Equity	-0.25%	-0.48%	0.03%
<b>Liquidity</b>			
Current Ratio	2.9:1	1.3:1	2.1:1
<b>Financial Stability</b>			
Debt Ratio	4.68%	4.42%	4.44%

Return on Assets = (operating results before tax + interest expense) / average total assets for period

Return on Equity = operating result before tax / equity

Current Ratio = current assets / current liabilities

Debt Ratio = total liabilities / total assets

### **Housing ACT—financial modelling (Question No 759)**

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

- (1) What financial modelling work has been completed to ascertain the efficiency and effectiveness of the public housing sector;
- (2) What outcomes were achieved from this exercise that would deliver improvements in Housing ACT's capacity to provide a more viable and sustainable social housing sector in the ACT.

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

- (1) Further work was undertaken during 2004-05 analysing various costs in the ACT compared to other jurisdictions using data available from their Annual Reports and the Report on Government Service Provision. The aim of this analysis was to identify costs in the ACT that were higher than those in the other jurisdictions and which indicated areas for further investigation and action to reduce ACT costs towards benchmark. This work built on the 2004 study undertaken by Jon Hall and Mike Berry for the Australian Housing and Urban Research Institute (AHURI) titled *Operating Deficits and Public Housing: Policy Options for Reversing the Trend*, which indicated at a broad level those areas of expenditure across all jurisdictions that were driving the increase in operating deficits for the ten years to 2000-01.
- (2) This work indicated several areas where the ACT has higher costs than other jurisdictions and areas to focus on to deliver improved performance. For example the analysis indicated that the cost of repairs and maintenance for the ACT is higher than all jurisdictions other than the Northern Territory. In order to begin addressing this issue the new Total Facilities Management contract has a number of mechanisms to improve the value for money options. These include incentives to increase planned maintenance and reduce responsive repairs, which are more costly, better work flow management and reporting systems to improve customer service and a performance management system linked to rewards for achieving agreed criteria in improving service delivery and reducing costs.

### **Housing—community sector (Question No 760)**

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

- (1) What reports have been undertaken by Housing ACT on activities to improve the capacity of the community housing sector;
- (2) What action will be implemented from any reporting activities that will strengthen the capacity of this sector.

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

- (1) Housing ACT has undertaken a range of activities to improve the capacity of the community housing sector, including providing additional funding of \$150,000 to the Coalition of Community Housing Organisations of the ACT (CCHOACT) in 2005/06 for sector development.

In terms of specific reports, Housing ACT undertook a review of funding for community housing in the ACT in 2004/05.

- (2) The Department of Disability, Housing and Community Services will respond to the report on the funding review in 2006 and has committed to entering into three year funding agreements with community housing organisations from July 2006.
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**Housing ACT—disabled persons  
(Question No 761)**

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

- (1) What consultation has occurred between Housing ACT and the relevant stakeholders when developing and implementing policies for (a) people with disabilities, (b) women, (c) older people and (d) youth;
- (2) What outcomes have been achieved during 2005 for these groups;
- (3) What proportion of new tenancies are allocated by Housing ACT to clients with special needs.

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

- (1) The ACT Government undertakes a wide range of consultative activities to identify the housing and support needs of the ACT community. For example, I have hosted three Ministerial Housing Forums to date during 2005 and a fourth forum will be held on joint ventures and housing redevelopments in December 2005. Consultations have been held in relation to the Homelessness Strategy and the ACT Homelessness Committee established a youth homelessness working group to develop a youth homelessness action plan to enhance early intervention and preventative responses. The Housing and Tenancy Reform Working Group developed five key Housing and Tenancy Principles for People with Disabilities in consultation with the community. Additionally, the Department continues to fund an Adaptable Housing and Accessible Design Service with people with disabilities as a target group. The Department continues to fund the housing and advisory service of older people through the Council on the Aging. Housing ACT utilises the outcomes of these activities to inform the provision of support to tenants and housing applicants.
- (2) The following outcomes have been achieved during 1 Jan to 30 June 2005:
  - Housing ACT formed the Debt Review Committee primarily as a response to public housing debt related to domestic violence. This has improved operational procedures around raising debt against victims of domestic violence where the debt is related to the violence and will continue to produce reformed policies and procedures. There were 154 dwellings allocated to women (excludes joint tenancies with men).
  - there were 286 properties modified to assist people with disabilities with \$1.6m expended on both major and minor disabled modifications to dwellings for disabled or frail clients.
  - Housing ACT commenced building 46 dwellings as Older Persons Accommodation.
  - there were 71 dwellings allocated solely to youth ( $\leq 25$  years old) and six dwellings allocated to a youth plus at least one older person as a joint tenancy. Housing ACT also provided 30 units in 2004 and 122 units in the 2005 tertiary year to address the shortage of accommodation for students.

- (3) Over the preceding three months (July to September 2005) 91.90% of dwellings allocated have been to members of either Early Allocation Category 1 or Early Allocation Category 2.
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**unITy project  
(Question No 762)**

**Mrs Burke** asked the Chief Minister (redirected to the Treasurer), upon notice, on 16 November 2005:

- (1) What is the Unity Project;
- (2) When was the project established and for what reasons;
- (3) Is there a fee structure for clients accessing any services relating to the project.

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

- (1) The unITy Project was initiated by InTACT following a Government Decision in April 2005. Its overall objective is to reform the delivery of Information, Communications and Technology (ICT) services within the ACT Government.
- (2) The unITy Project commenced operations in June 2005 and consists of team members with specialist skills drawn from across the ACT Government.

The primary aim of this project is to reform the delivery of whole-of-government ICT services via the restructuring of InTACT and all agency based ICT staff into a single merged services organisation responsible for all aspects of IT and telecommunication services delivered to the ACT Government.

Education ICT functions are not included in the scope of the reforms.

The functional responsibilities highlighted for transfer to the "new InTACT" include IT infrastructure, IT management and administration, application support and development, IT related project activity and operational policy.

The project provides an opportunity to reduce the internal transaction costs associated with the existing complex relationships between InTACT and agencies, while at the same time creating opportunities to leverage the benefits of scale in the way individual agencies acquire, develop, maintain and support business applications.

The project team has focused its efforts on a range of implementation issues including governance, organisational design, service level agreements, financing arrangements, asset and consumption management, and primarily the identification of staff, systems and projects for transfer to the new organisation which was launched on 1 October 2005.

The unITy Project was formally closed on 25 November 2005 with the transfer of responsibilities for integration moving to the new InTACT Agency Operations Branch.

- (3) No. The unITy Project has no clients as such and therefore no fee structure is in place.
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**Currong Apartments  
(Question No 763)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) Will Housing ACT provide support to Havelock Housing Association Inc to continue to administer accommodation services at Currong Apartments; if not, why not; if so, how much funding will be allocated to assist Havelock Housing Association Inc and for how long will students be allowed to reside at Currong Apartments;
- (2) Are there any other organisations receiving financial support from the ACT Government to support students with accommodation services at Currong Apartments.

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

- (1) The Government has made available, funding of \$87,900 to manage the short-term student accommodation at Currong Apartments in the 2006 academic year.

Housing ACT is currently completing a procurement process to establish a Service Provider to manage that program.

The decision to provide support to Havelock Housing Association is dependant on the outcome of that procurement process.

- (2) The Association for Post Secondary Student Accommodation is managing a further 30 tenancies at Currong Apartments, resourced through the Community Organisations Rental Housing Assistance Program (CORHAP).

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**Disability ACT—risk management  
(Question No 764)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) What Risk Management Procedures (RMP) are in place within Disability ACT (DACT) that would be initiated in the event of an incident involving the failure of any form of essential equipment provided by DACT to one of its clients;
- (2) How is the RMP then implemented to prevent a life-threatening situation;
- (3) Have there been any such incidences during (a) 2002, (b) 2003, (c) 2004 and (d) 2005 to date; if so, (i) what were they and (ii) what were the specific circumstances surrounding such incidences.

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

- (1) Essential equipment can be interpreted in two ways:
  - Life saving/supporting. eg ventilators; and
  - Life sustaining. eg mechanical lifters and tube feeding pumps.

Disability ACT does not have life saving/supporting equipment as the service does not support any clients who require such equipment.

Disability ACT does have life sustaining equipment.

The failure of life sustaining equipment would not result in a life threatening situation because the function of this equipment can be performed manually until the failed equipment is repaired or replaced.

All Disability ACT clients have a risk assessment undertaken as part of their Individual Plan. Clients who are reliant on life sustaining equipment have a risk assessment to identify potential or actual risks regarding the equipment. An “alert” and accompanying protocol is developed for the event of equipment failure.

- (2) The risk management plan is implemented in accordance with the protocol developed in response to the identified risk. Responsibility for the implementation of the plan is identified when the plan is developed. The implementation of the plan is monitored by Network Co-ordinators and Quality, Safety and Risk Managers. The implementation of the plans is reported to senior management each month.

Staff attend a client safety workshop at Induction. This workshop teaches staff how to implement risk assessment and how to identify categories of risk that must be referred to the Quality, Safety and Risk Managers for a formally facilitated risk assessment.

- (3) (a-d) no

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### **Housing ACT—change of use charge (Question No 765)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) How has Housing ACT reviewed and implemented Change of Use Charges that would introduce exemptions or deductions for developers in return for providing a proportion of affordable housing within a development;
- (2) How many affordable housing dwellings could be constructed as a result of amendments to the Change of Use Charge.

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

- (1) The ACT Planning and land Authority is responsible for the administration of Change of Use Charge.
- (2) See above.

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### **Housing ACT—dwelling sizes (Question No 766)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) How has Housing ACT better matched dwelling size to household size when allocating properties to new applicants or tenants transferring to more suitable properties that best meet their needs;
- (2) What information has been collected from monitoring specific housing needs of Housing ACT clientele in relation to effectively allocating a property that matches household size.

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

- (1) The current Allocations policy was introduced in November 2000 and there has been no substantive change to the policy since then. The Allocations policy is based on household size and takes into consideration any specific or special requirements where necessary. Housing ACT is working to develop a process to facilitate the mutual exchange of properties between tenants;
- (2) Current Allocation policy is based on household size and special needs. This information is obtained from applications for assistance. Housing ACT regularly analyses the applicants list trends to ensure property purchases align with applicants documented requirements.

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### **Housing—tenant agreements (Question No 767)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) How many tenants at risk of breaching their tenancy agreements for (a) rental arrears and (b) property damage, have received some form of support from Housing ACT in 2005;
- (2) What were the number and type of support mechanisms implemented;
- (3) Did Housing ACT see a reduction in the number of tenants in breach of their tenancy agreement, of any form, during 2005 compared with 2004;
- (4) Did Housing ACT see a reduction in the number of evictions during 2005 compared with 2004.

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

- (1) Housing ACT policy is to provide appropriate support to all tenants.
  - (2) Housing ACT supplies and/or brokers a wide range of support activities as appropriate to each situation. Included are interventions from Housing Managers, Client Support Coordinators and the full range of government and non-government service providers.
  - (3) A comparison between the 2003-04 and 2004-05 financial years show a reduction of tenants in breach of their tenancy agreement.
  - (4) A comparison between the 2003-04 and 2004-05 financial years show a reduction in the number of evictions.
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**Disability ACT—epileptic seizure monitoring  
(Question No 768)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) What evidence exists for Disability ACT to utilise the electronic seizure mat (EMFIT) to monitor clients for epileptic seizures;
- (2) Is this form of epileptic seizure monitoring medically approved for use in the ACT; if so, what forms of trials were conducted to ensure this equipment would offer the best monitoring system for seizures;
- (3) What procedures must Disability ACT follow when consulting with and gaining consent from a client's guardian to use this monitoring system.

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

- (1) Disability ACT seeks the advice of relevant experts in the field of epilepsy management to ensure best practice principles are applied in the service. The advice at times has included a recommendation to utilise available technologies such as the EMFIT Epileptic Seizure Alarm in particular circumstances.
- (2) The seizure alarm is not used for the purpose of diagnosis, treatment, prevention or alleviation of epilepsy and consequently there is no requirement for medical approval in the ACT. It is a bed alarm system to alert staff to possible life threatening situations and is used in conjunction with an approved seizure management plan.
- (3) Disability ACT is required to seek consent for referrals to specialist services and interventions and consults with guardians in relation to implementation of any recommendations, including the use of assistive technology such as the EMFIT mat.

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**Housing ACT—properties  
(Question No 769)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) How many properties, by suburb, currently stand vacant awaiting (a) allocation or (b) repairs and scheduled maintenance;
- (2) How many modified housing properties, by suburb, do Housing ACT and the Community Housing sector currently maintain that could house tenants with a disability or difficulties with mobility.

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

- (1) As of 18 November 2005:

<b>Properties available for Allocation by suburb <sup>(a)</sup></b>	<b>No</b>	<b>Properties undergoing repairs and maintenance by suburb <sup>(b)</sup></b>	<b>No</b>
<b>Belconnen</b>		<b>Belconnen</b>	
Kaleen	1	Belconnen	9*
Cook	1	Page	1
Macquarie	2	Scullin	1
Belconnen	2	Latham	1
Holt	1	Holt	1
Macgregor	1	Macgregor	1
Charnwood	2	Charnwood	1
Flynn	2	Flynn	1
Melba	1	Amaroo	1
Evatt	1	Giralang	1
McKellar	1	Ngunnawal	1
Nichols	1		
Palmerston	2		
<b>City</b>		<b>City</b>	
Lynham	3	Lynham	3
Dickson	2	O'Connor	1
O'Connor	6	Ainslie	1
Ainslie	4	Braddon	1
Turner	4	Reid	24*
Braddon	1	Watson	1
Reid	7	Hackett	2
Downer	2		
Watson	2		
Hackett	2		
<b>Tuggeranong</b>		<b>Tuggeranong</b>	
Kambah	2	Kambah	1*
Wanniassa	1	Gilmore	1
Bonython	1	Theodore	1
Oaks Estate	6	Calwell	1
		Gordon	1
<b>Woden</b>		<b>Woden</b>	
Yarralumla	1	Kingston	1
Narrabundah	4	Narrabundah	3*
Griffith	2	Griffith	2
Redhill	1	Redhill	3*
Hughes	2	Hughes	3*
Lyons	1	Lyons	1
Torrens	1	Pearce	1
Phillip	1	Phillip	1*
Waramanga	2	Weston	1
		Waramanga	2
		Fisher	1
<b>Total</b>	<b>76</b>		<b>76</b>

Notes:

- (a) Please note that the majority of properties are under active consideration or offer by prospective tenants. Housing ACT's target is to allocate the majority of properties (85%) within 29 days from date the property was vacated. This includes any repairs and maintenance work required.

- (b) There are 46 properties that are undergoing major upgrade or redevelopment works, including fire safety works. The relevant suburbs are marked with an \*. All other properties are with the Total Facility Manager under going routine maintenance and preparation for re-tenanting.
- (2) The condition data collected so far identifies that there are 2,745 instances of accessibility design features or modifications in Housing ACT properties (1,136 properties in the North Canberra property region and 1,609 properties in the South Canberra property region). These modifications and design features include wheelchair access, grab rails and ramps. Properties may contain more than one design feature or modification.

**Disabled persons—brain injuries  
(Question No 770)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 November 2005:

- (1) How many children under the age of 18 years have a brain injury, of any form, in the ACT;
- (2) What government services are available for young people with a brain injury;
- (3) How much funding is allocated for the provision of such services;
- (4) Has Disability ACT advised parents that there will be a four year delay for treatment for children with brain injury; if so, what strategies are in place to deal with any delay of treatment for children with a brain injury and how many children will be affected as a result of treatment delays.

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

- (1) I am unable to give you any figures for the number of children and young people with a brain injury under the age of 18 years in the ACT. There is no specific research, database or register with this information.
- (2) Children and young people with brain injuries are able to access Therapy ACT services in the Department of Disability, Housing and Community Services. If the brain injury is the result of a motor vehicle accident and the young person is aged in their mid to late teens then services would be provided through The Canberra Hospital rehabilitation program. Children with a disability are also able to access respite and some support services through Disability ACT, and from community based organisations funded under the Home and Community Care program.
- (3) Funding is not specifically allocated to services for children with brain injuries.
- (4) No. Disability ACT does not provide treatment services for children with a disability. I am not aware of any services in this portfolio that have a four year delay for treatment for children with a brain injury.

**Capital works—cost benefit analysis  
(Question No 771)**

**Mr Smyth** asked the Chief Minister, upon notice, on 16 November 2005:

Have cost/benefit analyses been conducted on the (a) upgrade of the convention centre, (b) Link project, (c) Glassworks project and (d) Prison project; if so, can copies be made available to the Assembly.

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

- (a) There has been no cost/benefit analysis (CBA) conducted on the \$30million upgrade project for the National Convention Centre announced in August 2005.

In 2004 the Government contracted ACIL-Tasman to conduct a CBA of various expenditure scenarios for a new or refurbished convention centre, ranging from zero to \$200 million in expenditure.

In broad terms the ACIL Tasman analysis showed that any level of expenditure on convention centre facilities did not produce a positive CBA outcome. However, in the Government's view, the ACIL-Tasman analysis did not sufficiently factor in the positive externalities associated with the convention centre to the broader ACT economy.

The \$30 million allocated to this upgrade is what the Government believes is necessary to bring the National Convention Centre to a good functional standard and to address building ownership compliance requirements. Further, the arrangements reached with the Intercontinental Hotels Group in August 2005 also conferred full ownership of the National Convention Centre to the ACT Government for a consideration of \$1. The Government has obligations to manage and maintain the property and part of the \$30million expenditure will be directed at these obligations.

Earlier economic and financial reports on the upgrade scenario are:

- 2001/02: GHG / Review of the proposal to upgrade the National Convention Centre and cost benefit analysis of alternative options
- 2002/03: GHD / Further analysis of findings in initial report
- 2002/03: Access Economics / Further economic analysis of options suggested in the GHD report.

- (b) and (c) Cost/benefit analyses conducted for each of these projects formed part of proposals considered by Cabinet and therefore cannot be released.

- (d) Detailed analysis of the costs associated with building and operating a new facility for remand and sentenced prisoners can be found in the report titled Proposals for Future ACT Correctional Facilities. This can be accessed under the Current Issues heading at <http://www.cs.act.gov.au/amc/home/publications>.

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**Public service—travel  
(Question No 772)**

**Mr Smyth** asked the Chief Minister, upon notice, on 16 November 2005:

- (1) How many public servants have accompanied ministers on overseas travel to date this calendar year;
- (2) How many of those public servants attended with the (a) Chief Minister to Japan, Canada and United States, (b) Deputy Chief Minister to Dubai and (c) Minister for Planning to Great Britain and the United States;
- (3) What was the cost of the attendance of each public servant on those trips;
- (4) How many public servants have undertaken interstate travel this year with ministers and what was the cost of the attendance of each public servant on those trips.

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

- (1) Eight public servants have accompanied Ministers on overseas travel.
- (2) See attached spreadsheet.
- (3) See attached spreadsheet.
- (4) See attached spreadsheet.

#### **Minister's Accompanied Travel 2005**

##### **Overseas**

<b>Total no of Public Servants</b>	<b>Minister Accompanied</b>	<b>Location</b>	<b>Cost for PS</b>
Eight	Chief Minister	USA	13,348.00
	Chief Minister	USA	6,786.00
	Chief Minister	Japan, Canada and USA	25,753.82
	Chief Minister	Japan	6,173.79
	Deputy Chief Minister	United Arab Emirates & Qatar	4,744.00
	Minister for Planning	USA and UK	16,953.50
	Minister for Planning	USA and UK	19,554.13
	Minister for Planning	USA and UK	20,998.76

##### **Domestic**

<b>Total no of Public Servants</b>	<b>Minister Accompanied</b>	<b>Location</b>	<b>Cost for PS</b>
Fourteen	Chief Minister	Darwin	2,708.68
	Attorney General	Sydney	623.39
	Attorney General	Sydney	1,009.13
	Attorney General	Melbourne	952.78
	Attorney General	Sydney	720.00
	Minister for Police & Emergency Services	Brisbane	914.09
	Minister for Police & Emergency Services	Brisbane	971.82
	Minister for Police & Emergency Services	Junee	Fleet vehicle

Minister for Police & Emergency Services	Junee	Fleet vehicle
Minister for Police & Emergency Services	Junee	Fleet vehicle
Minister for Police & Emergency Services	Brisbane	1,131.00
Minister for Planning	Melbourne	580.00
Minister for Education and Training		232.53 602.52

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### **Tourism—guest arrivals (Question No 773)**

**Mr Smyth** asked the Minister for Economic Development and Business, upon notice, on 16 November 2005:

- (1) How does the Minister explain and account for a 10% reduction, 15 183 down to 13 656, in the number of available bed spaces in ACT accommodation establishments as reported in the most recent Tourist Accommodation statistics from the Australian Bureau of Statistics;
- (2) Is the Minister concerned that guest arrivals in the ACT have increased by only a very small margin from 1999-2000 to 2004-05;
- (3) What is the Government doing to increase guest arrivals and bed numbers.

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

- (1) The figures showing a 10% reduction that Mr Smyth has quoted from recent Tourist Accommodation statistics from the Australian Bureau of Statistics for bed spaces in the ACT is for the June quarter 2000 compared to June quarter 2005. A count of bed spaces is not a good indicator, as it is subject to seasonal variations due to hotel refurbishments and different room configurations. A better indicator of industry activity and a more accurate measure is room nights occupied. (See answer to 2).
- (2) No, I am not concerned about the numbers that Mr Smyth has quoted for guest arrivals for the period 1999–2000 to 2004–2005 showing an increase of 1%. A better indicator of industry activity as stated above is a comparison of room nights occupied. Using the same period that you have quoted for guest arrivals, statistics indicate that a comparison for the years for room nights occupied for June quarter 2000 (1,112,700) with June quarter 2005 (1,220,300) there is an increase of 10%. This effectively vindicates the Government's recent marketing activity which I have detailed in answer to your third question.
- (3) The ACT Government introduced several programs over the past 24 months to increase awareness and visitation, the more significant of which are detailed below:

- In February 2004, the Government introduced a comprehensive brand led marketing strategy, (*See yourself*) which positioned Canberra as the place all Australians should come to discover and experience the 'Australian story'. The brand is underpinned by short term tactical marketing campaigns to highlight the beauty of each season and promote its events and the diverse range of experiences available in the ACT. Successful Canberra expos and media lunches have been held in Sydney, Adelaide and Brisbane to date to promote Canberra nationally. The increased cooperation of national institutions and attractions in the delivery of the Government's marketing campaigns has been a critical factor in the Government's marketing campaigns in the past two years. Examples include the *Summer of Silver* campaign in 2004, the *Fireside Festival* and the *Rock 'n' Roll Trail* in 2005 and the proposed 2005 summer campaign, *From the Vault*
- The other significant development to promote Canberra is the introduction of the Community Program by Australian Capital Tourism in 2003–04, the goal of which is to engage the local community to become active and passionate ambassadors for Canberra. Research shows that the majority of Canberrans are proud of their city but are not particularly equipped or confident in promoting it as a holiday destination. The Community Program aims to increase the local community's knowledge of products and experiences and educate them about the important role they can play in visitor experiences. Initiatives undertaken to promote awareness of the national capital in the general community, include the publication of a quarterly *See Canberra* magazine aimed at promoting awareness of Canberra, engaging federal politicians whom the Government considers to be key influencers and conducting presentations to key sectors of the community
- Events provide us with points for celebration and opportunities for participation that takes us beyond everyday experiences. A tourism event primarily targets tourists to visit a destination but also plays a significant role in profiling the host city both nationally and internationally. The establishment of a new Events Unit to promote and attract events to Canberra in addition to promoting Floriade and the Subaru Rally of Canberra has already proved to be fruitful with the development of a new event, the Brindabella Challenge to be held from 2-4 December 2005
- The Government promotes Canberra internationally through a comprehensive marketing strategy in conjunction with Tourism Australia as the nation's capital and a unique tourist destination. The point of difference which we are aiming to highlight in the international market, especially in our target markets in Asia is that Canberra is a planned city with open spaces, home to beautiful and very diverse national icons with and a wide variety of seasonal events such as Floriade. In the last six months the ACT and region was extensively promoted in Singapore through the production of a publication of a Canberra supplement, *8 Days* widely circulated in Singapore through *Media Corp*, one of Singapore's most dynamic publishing companies

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### **National Convention Centre (Question No 774)**

**Mr Smyth** asked the Minister for Economic Development and Business, upon notice, on 16 November 2005:

Has the latest report or building audit that the Minister is waiting on before works can commence on the National Convention Centre been completed; if so, (a) are there any

findings in the audit that would prevent work from starting in December as anticipated in annual reports and (b) what are the findings that will prevent the commencement of works; if not, when will he receive the audit and make the findings public.

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

- (1) It is currently expected that the final draft of the building audit and condition report for the National Convention Centre will be completed on 15 December 2005. The report could be made publicly available in due course, with the consent of the parties.

In relation to (a) and (b), I cannot comment on the findings of the report until it is completed. Further, there is no statement in the Department's Annual Report indicating when the works are likely to commence.

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### **Capital Works (Question No 777)**

**Mr Smyth** asked the Minister for Urban Services, upon notice, on 16 November 2005:

Why, as shown in the 2004-05 June quarter capital works progress report, have the funds for the Moore Street Health Building Rep. Of Roof Membrane project, been frozen.

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

- (1) After receiving the funding to undertake this work the Department of Urban Services identified the need for other extensive work. In addition, further consultation with the ACT Health Department identified an opportunity to improve the interior layout of Level 5 to enable building occupancy to be increased. The changes to Level 5 would result in the roofline being modified, thereby making the original roof membrane replacement project obsolete. As a result, the funds for the project were frozen.

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### **Rhodium Asset Solutions (Question No 778)**

**Mr Mulcahy** asked the Treasurer, upon notice, on 16 November 2005:

- (1) Is the \$1.5 million that the ACT Government is contributing to Rhodium Asset Solutions in 2005-06 a loan or a grant;
- (2) If these funds are a (a) loan, what are the conditions that govern the repayment of this loan and (b) grant, how is this consistent with the statement from the Chairman of the Board emphasising the commercial nature of Rhodium's operations;
- (3) If the \$1.5 million is a grant, does this indicate that this public sector entity is receiving more favourable treatment than an equivalent entity operating in the private sector;
- (4) In answering a question asked in the public hearing on this entity on 26 October 2005, did the Managing Director of Rhodium say that the purpose of the \$1.5 million was to initialise a new enterprise architecture solution in order to sustain the business going forward; if so, what does this statement mean;

- (5) Given that on page 44 of Rhodium's annual report there is a statement that Rhodium acquired property, plant, equipment and intangibles valued at \$2.486 million, did Rhodium acquire these assets or were they transferred from the previous operating entity;
- (6) What is meant by the phrase, used on page 26 of Rhodium's annual report, that Rhodium embraces a non-hierarchical matrix-based organisational structure that supports multi-dimensional operating roles;
- (7) Given that in the annual report of the Department of Treasury there is a comment that during 2004-05 the options for future motor vehicle fleet management were researched and it is proposed that the Government's preferred option will be decided and implemented during 2005-06, what implications does this project have for Rhodium.

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

- (1) The funds are an equity injection and are neither a loan nor a grant.
- (2) See the answer to Question 1. The Government is expecting a commercial return on the equity that it has invested in Rhodium.
- (3) See the answer to Question 1.
- (4) In stating that "the \$1.5m was to initialise a new enterprise architecture solution", it is meant that Rhodium intends to purchase a new Information Technology (IT) system.
- (5) The \$2.486m referred to represents a cash transaction, recorded on Rhodium's Statement of Cash Flows relating to assets acquired by Rhodium in the normal course of its investing activities (i.e. in the conduct of its day-to-day leasing business) and reported in accordance with the accounting standards, from January to June 2005.
- (6) The "non-hierarchical matrix-based organisational structure" referred to in Rhodium's Annual report refers to a "flat" organisational structure.
- (7) Decisions taken by the Government in relation to its fleet business may potentially impact on Rhodium. No decisions have yet been taken by the Government in relation to the future financing options for the motor vehicle fleet.

### **Housing—conflict resolutions (Question No 780)**

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

- (1) Further to the answer to question on notice No 338 and given that the Department of Disability, Housing and Community Services is a major financial contributor to the work of the Conflict Resolution Service (CRS), why doesn't Housing ACT maintain any record or statistics on referral of tenancy disputes that require the assistance of the CRS;
- (2) How long has the Change in Focus initiative been in operation combining the efforts of staff from Housing ACT and the CRS to find resolutions for tenants who have ongoing conflicts in their neighbourhood;

- (3) How effective has the program been since it was adopted.

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

- (1) Housing ACT keeps appropriate records of advice and support provided to tenants, however it is not possible to extract specific information in relation to the Conflict Resolution Service.
- (2) There is no program that is known as the Change in Focus initiative.
- (3) Not applicable.

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**Transport—disabled persons  
(Question No 781)**

**Mrs Burke** asked the Minister for Disability, Housing and Community Services (redirected to the Minister for Urban Services), upon notice, on 17 November 2005:

- (1) Has the Wheelchair Accessible Taxi (WAT) Reference Group received a submission from CBD Chauffeured Transport, Dallarooma Pty Ltd;
- (2) Was the CBD Chauffeured Transport submission tabled as part of findings in the WAT Reference Group Report; if so, on what date; if not, why not;
- (3) Were hire car or bus operators excluded from participating in the review, and were they provided with an opportunity to enter the scheme;
- (4) If a broader Transport Subsidy Scheme can be developed, will the Minister widen the options of transport available to fare-paying passengers with a disability.

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

- (1) No
- (2) No
- (3) No. Public submissions were sought in a notice in *The Canberra Times* of 28 May 2005 and *The Chronicle* of 31 May 2005. The Wheelchair Accessible Taxis Reference Group's recommendation 35 is:

*The possibility of undermining the viability of, and services provided by, the Wheelchair Accessible Taxi fleet through expanding access to the Taxi Subsidy Scheme for transport providers led the Reference Group to recommend that reimbursement through the Taxi Subsidy Scheme be accessible only to taxis in the short term.*

- (4) There is no intention to develop a broader Transport Subsidy Scheme at this time.

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**Urban Services—ranger duties  
(Question No 782)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 17 November 2005:

- (1) In relation to the ACT Property Crime Reduction Strategy 2004-2007, Action 3.1.4, page 13 which states “Formalise the role of ranger services (inclusive of parking officers, city rangers and domestic animal services officers) to report suspicious criminal behaviour”, how many reports have Urban Services rangers made to ACT Policing regarding suspicious criminal behaviour in each financial year since this strategy was put in place;
- (2) Given that the strategy also stated that the rangers induction program will incorporate a section on the responsibility of officers to report suspicious behaviour to appropriate authorities, what are the responsibilities of rangers regarding the reporting of suspicious behaviours;
- (3) How many abandoned vehicles found by Urban Services rangers have been checked against policing records of stolen cars and were all abandoned vehicles found checked against Policing records of stolen vehicles; if not, why not;
- (4) Given that the strategy also stated on page 13 that the position as at 31 December 2004 “Completed: 15 July to 31 December 2004 15 new staff inducted into new program”, where are these staff employed and what roles do they undertake;
- (5) How can there be 15 new staff when the Department of Urban Services annual report 2004-05 shows that there are only five rangers employed within the department.

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

- (1) 22 reports of stolen vehicles were made to the Police for the 2004/05 financial year and 9 for the 2005/06 financial year.
- (2) The responsibility of staff within Ranger Services is to report suspicious behaviour via two-way radio or mobile phone back to base. All incidents are recorded on the ‘suspicious incident report form’ and the Police contacted immediately.
- (3) All vehicles investigated by Urban Services’ Rangers as being abandoned are checked against Police records of stolen vehicles as a matter of procedure. In the 2004/05 financial year, Rangers inspected 1294 vehicles all of which were checked against police stolen vehicle lists. For the current financial year to date 523 vehicles have been inspected and checked against police stolen vehicle records.
- (4) The 15 new staff trained under the new program are Parking Information Officers.
- (5) Staff profile reports, in the Annual Report, reflect the awards and pay conditions of groups of staff. The five FTE reported in the 2004-2005 annual report were made up of one Forest Ranger and four Sportsground Rangers. These officers receive the pay and conditions associated with the Award for Rangers.

This is not to be confused with the staff of Ranger Services, which includes Parking Information Officers, staff of the Traffic Camera Office, Domestic Animal Services and City Rangers Office. These officers, while having the title of Ranger, are Administrative Services Officers and are reported as such in the Annual Report.

### **Parking charges (Question No 783)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 17 November 2005:

- (1) In relation to an article in *The Canberra Times* of 12 November, page 13 entitled *Time limits to free car parks for shoppers*, what car parks will be affected by the conversion of all-day car parks to short term;
- (2) How many car spaces will be affected by the conversion;
- (3) What is the forecast change in revenue that the Government will receive due to the conversion of these car parks;
- (4) What will the charges for these new short term car parks be and is this in line with other short term car parks in Civic; if not, why not;
- (5) Will parking rates at other nearby car parks be altered to compensate users who will now be parking in less convenient locations; if not, why not; if so, what will be altered;
- (6) How long will the conversion be in place for;
- (7) Where can maps be found on the Canberra Connect website detailing ticket car parks;
- (8) Are any changes to car parks in Civic or other town centres planned that are yet to be enacted; if so, (a) what are they and (b) when will they be enacted.

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

- (1) The two car parks affected are located on London Circuit, immediately adjacent to the ACT Legislative Assembly and the Magistrates Court.
- (2) A total of 491 spaces are affected, 225 spaces in the Legislative Assembly car park and 266 spaces in the Magistrates Court car park.
- (3) These changes are expected to have a minimal effect on revenue, given that a significant proportion of users in these car parks already park for less than a full day.
- (4) As of 4 October 2005, the hourly rates in these car parks have been:

1 <sup>st</sup> hour	\$1.20
2 <sup>nd</sup> hour	\$1.20
3 <sup>rd</sup> hour	\$1.80
4 <sup>th</sup> hour	\$1.80

From 28 November 2005, the maximum fee will be \$6.00 for 4 hours.

These fees are in line with other Territory ticket parking areas in Civic.

- (5) No. These car parks were previously premium \$10.00 per day multi-stay parking areas. Although motorists may now need to park in less convenient long-term car parks, these have a lesser charge of \$7.50 per day or \$5.00 per day.
- (6) These changes will be in place indefinitely.
- (7) Maps of Territory ticket parking areas from the Canberra Connect website is at:

<http://www.canberraconnect.act.gov.au/transroadstraffic/parking/payparkingintheact/payparkingibelco.html>

Alternatively, from the Canberra Connect website ([www.canberraconnect.act.gov.au](http://www.canberraconnect.act.gov.au))

- (8) There are no plans for fee changes in other Territory surface car parks in Civic or other town centres at the present time.

**Disasters—preparedness  
(Question No 784)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 17 November 2005:

- (1) In relation to the announcement of funding from the national disaster mitigation program on 13 November in the Canberra *Sunday Times*, page 7, what will the \$371 026 of funding be put towards;
- (2) Where will the upgrade of fire trails take place and what will be upgraded;
- (3) What will the development of a community preparedness strategy involve;
- (4) Why is funding being issued for another community preparedness strategy and is the Government unsatisfied with its *Emergencies and the national capital – A residents guide* publication.

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

- (1) Funding allocated under the National Disaster Mitigation Programme by the Australian Government will contribute to 13 ACT projects. These projects include improving the signage and surface capabilities of fire trails, community preparedness and upgrading asset protection zones. The complete list will be available on the DOTARS website shortly.
- (2) Works to be carried out include 50 fire trail signs in various ACT forests, 200 fire trail signs within Namadgi National Park, 50 fire trail signs within Tidbinbilla Nature Reserve, upgrading of fire trails to float classification at Uriarra and Pierces Creek and the upgrading of fire trails to tanker classifications at Namadgi National Park, Canberra Nature Park, Wanniasa Hills and Tidbinbilla Nature Reserve.
- (3) The community preparedness strategy includes the review and further development of measures and procedures by which the ACT community can better manage the demands of major emergencies. It includes community education requirements, partnerships and planning for advice and assistance to the community. The ACT arrangements will also reflect national and international best practice, with the intention that preparedness can be progressively, and reasonably enhanced.
- (4) The Emergency Services Authority has received many positive reports from the Canberra community regarding "*Emergencies and the National Capital – A residents guide*". It is a new and innovative step that better prepares the ACT community. The strategy will further expand the knowledge and capacity with a coordinated partnership between emergency services and the ACT community.

**Yerrabi Pond scout hall  
(Question No 788)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 22 November 2005:

- (1) In relation to the establishment of a scout hall at Yerrabi Pond, what is the condition of the demountable building being proposed to be relocated to the site;
- (2) What other sites were considered and why were they not considered suitable;
- (3) How many submissions regarding this development application have been received by the ACT Planning and Land Authority.

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

- (1) The demountable building is presently unused, and is partly dismantled. The building is in need of some maintenance and repainting.
- (2) Four sites were identified. Three were considered not suitable due to vehicular access, one of these was constrained by the location of a sewer line and the other unduly impacted on usage of public open space.
- (3) Sixty six submissions were received by the ACT Planning Authority in response to the notification of the Development Application.

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### **Artworks—expenditure (Question No 789)**

**Mr Mulcahy** asked the Chief Minister (redirected to the Minister for Arts, Heritage & Indigenous Affairs), upon notice, on 22 November 2005:

- (1) What, if any, of the \$1 million in funding over two years, to commission iconic public artworks for Canberra has been expended to date;
- (2) What has been delivered for that expenditure;
- (3) How many public artwork pieces will be added to the Canberra landscape in the current financial year;
- (4) Where will these artworks be placed.

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

- (1) None of the \$500,000 allocated in the 2005-06 budget has yet been expended. However, considerable planning has been undertaken for this important initiative.
- (2) See above.
- (3) In this financial year, four new public art projects, one refurbished artwork, and a memorial will be added to the Canberra landscape.
- (4) Locations and works include:
  - a public artwork to acknowledge the Ngunnawal people in City Walk, Civic;
  - a public artwork in Lake Ginninderra, Belconnen;
  - a public artwork adjacent to the new Child and Family Centre, Gungahlin Town Centre;

- a suite of works at the Tidbinbilla adventure playground;
  - the ACT Bushfire Memorial, Mt Stromlo Park; and
  - a refurbished artwork installed at the new Kippax Library, Belconnen.
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**Mr Jeremy Lasek  
(Question No 793)**

**Mr Mulcahy** asked the Chief Minister, upon notice, on 23 November 2005:

- (1) In relation to an article in *The Canberra Times* on Saturday, 19 November 2005, page B7 entitled “Alberta shows us the way”, did the ACT Government incur any costs as a result of Jeremy Lasek’s visit to Alberta, Canada in September; if so, how much;
- (2) Did anyone accompany Mr Lasek on his visit to Canada; if so, what costs did the ACT Government incur as a result;
- (3) Will the ACT Government be presenting a report on Mr Lasek’s visit to Canada to Members of the Legislative Assembly; if so, when; if not, why not.

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

- (1) Mr Lasek visited Edmonton and Ottawa in Canada during his September visit to Canada. In Edmonton, Mr Lasek studied Alberta’s successful Centenary celebrations in 2005 and negotiated a visit to Canberra by the Executive director of the Alberta Centennial Mr Terry Keyko.

In Ottawa Mr Lasek represented the ACT at the fourth meeting of the Capitals Alliance. Mr Lasek contributed the equivalent of the economy airfare to attend the Capitals Alliance meeting and also paid for his accommodation and meals while in Ottawa. Mr Lasek received permission to attend the Capitals Alliance meeting as part of his professional development. He did not request any Travelling Allowance for any section of this trip.

The total cost to the ACT Government of Mr Lasek’s trip to Edmonton and Ottawa was \$7,120.14.

- (2) Mr Lasek travelled to Canada unaccompanied.
  - (3) Mr Lasek provided a report on his visit to Edmonton to study the Alberta Centenary to members of the Canberra Centenary Task Force. If MLAs would like a copy of the report I would be happy for them to receive it. Mr Lasek has provided a report on the Capitals Alliance meeting in Ottawa to the Chief Executive CMD.
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**Driver licence renewal testing  
(Question No 802)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 24 November 2005:

- (1) Has the Department of Urban Services considered a license renewal testing system for the ACT; if not, why not; if so, why has it not been implemented;

- (2) What were the main strategies of the system, for example (a) who would be tested, (b) what would be tested and (c) when would tests be conducted;
- (3) What (a) benefits and (b) drawbacks were identified in the consideration of a license renewal testing system;
- (4) Has the Government been approached by any road safety lobby groups to implement a license renewal testing system; if so, what lobby groups approached the Government;
- (5) Would a license renewal testing system help reduce the ACT road toll; if not, why not.

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

- (1) No. The ACT's driver licensing system is broadly consistent with systems in place throughout Australia. No other Australian jurisdictions implement testing at renewal, other than for older drivers. Any change to the ACT's driver licensing arrangements involving testing at renewal would need to be based on evidence that this would generate a road safety benefit.
- (2) Refer to (1).
- (3) Refer to (1).
- (4) No.
- (5) The Department of Urban Services is unaware of any data to support a requirement for renewal licence testing to achieve improved road safety outcomes.

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### **Dogs—dangerous breeds (Question No 804)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 24 November 2005:

- (1) Further to an article that appeared on page 5 of *The Canberra Times* on 14 November 2005 which stated that NSW is increasing penalties and implementing bans on the sale of particular dog breeds, does the ACT Government have any plans to ban the sale of dog breeds that are restricted or considered dangerous, in line with that of the NSW legislation; if not, why not; if so, what breeds will the ban apply to and what will be the penalties that apply to a breach of these bans;
- (2) If a ban is not now being considered, are any other limitations on the ownership, sale or otherwise of restricted dog breeds being considered; if not, why not;
- (3) Are there any plans to increase the penalties associated with a dog attack by a restricted or dangerous dog breed in line with the increase in fines in NSW; if not, why not.

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

- (1) The ACT Government has no plans to ban the sale, acquisition or breeding of any particular dog breeds. Part 2 of the *Domestic Animals Act 2000* (the Act) governs the keeping and control of all dogs in the ACT and prescribes strict criteria under which the Registrar must declare a dog to be a dangerous dog, including when a dog has been

declared dangerous under equivalent state law. Once a dog is declared dangerous, a person may only keep the dog if granted a dangerous dog licence. The Act imposes strict conditions on the granting and policing of dangerous dog licences and penalties apply for breach of conditions. For example, a \$5000 fine, six months imprisonment, or both, if a person disqualified from keeping a dangerous dog reapplies for a licence.

The experience of Domestic Animals Services (DAS) staff is that dangerous dog attacks are not limited to particular dog breeds.

The Department of Urban Services has proposed a review of the *Domestic Animals Act 2000*, which will comprehensively consider issues surrounding dog ownership.

(2) See (1).

From 12 November 2005 DAS introduced new infringement notice penalties for:

- not controlling a dangerous dog in a public place;
- not muzzling a dangerous dog in a public place;
- not keeping a dangerous dog in accordance with a license;
- keepers or carers allowing dog harassments or attacks to take place; and
- not providing a dog for inspection suspected of attack or harassment.

DAS has also instituted a 'zero tolerance' approach to dog attacks over the past two years. In 2001-02 there were 247 dog attacks reported to DAS of which 57% resulted in a dog seizure. This financial year 142 dog attacks have been reported to DAS resulting in 133 dogs being seized. This means 93% of reported attacks have resulted in a dog seizure. All seized dogs are investigated to ensure public safety. Where ongoing public safety cannot be guaranteed, DAS will seek destruction of the dog under the provisions of the Act.

(3) The Government will be reviewing the penalties which apply, including for dangerous dog offences, in line with its comprehensive review of the *Domestic Animals Act 2000*.

### **Human rights—same sex unions (Question No 807)**

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

When will the Government issue its response to the discussion paper and submissions received from the public on the issue of same sex unions.

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

The Government announced its response to the discussion paper and submissions received from the public on the issue of same sex unions on Friday 2 December 2005.

### **Sport and recreation—ovals (Question No 809)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice, on 24 November 2005:

- (1) Now that the drought appears to have been broken, how many category 3 ovals closed by the Government (a) have been brought back to full maintenance and (b) will be brought back to full maintenance by 1 July 2006;
- (2) When is it intended to bring all of these category 3 ovals back to full maintenance and which ovals will not be restored.

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

- (1) a) The following category 3 ovals have been brought back to full maintenance: Page Neighbourhood Oval (NHO); Downer NHO; Kaleen North NHO and Nicholls NHO.  
b) It will not be possible to bring the remaining category 3 ovals back to full maintenance by 1 July 2006 as extensive restoration works are needed.
- (2) The restoration of all remaining category 3 ovals is subject to budget outcomes for 2006/07.

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**Trees—public liability  
(Question No 822)**

**Mr Pratt** asked the Minister for Urban Services, upon notice, on 14 December 2005:

- (1) Regarding *The Canberra Times* letter to the editor "Who'll be liable?" dated 9 December 2005, page 17, what rights does a resident have if a tree (not established on the residents block) falls across the boundary from a neighbours block and damages property or injures an individual;
- (2) Is he able to say (a) who is liable and why they are liable in the example case above if a neighbour has been asked to remove a particular tree and denies the request and (b) does this liability change if the neighbour has not been asked to remove the tree in question;
- (3) If a resident has been denied a request to remove a tree by a Government authority for environmental, heritage or other reasons, is he able to say who is liable and why are they liable if the tree in question causes injury to the resident or damage to the resident's property.
- (4) Who is liable for trees on public land that, due to a branch falling or otherwise, cause damage to private property or injury to citizens.

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

- (1, 2 & 3) This would be a matter to be determined by a court proceedings.
  - (4) Where the Territory is the occupier of public land it owes a duty to persons who might use that land to take reasonable care for their safety. This does not mean that where a person sustains injury or damage on Territory land the Territory is necessarily liable. Liability will depend on all the circumstances including the Territory's knowledge of the state of the particular tree and what steps were reasonably open to it in light of any such knowledge.
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