



# Debates

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Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

**3 MAY 2007**

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**Thursday, 3 May 2007**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

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

## **Environment Protection (Fuel Sales Data) Amendment Bill 2007**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.32): I move:

That this bill be agreed to in principle.

Over the last two years the ACT has made a commitment to developing an effective climate change strategy. This will require, among other things, a commitment on our part to monitor greenhouse gases. Transport fuels are the second greatest cause of greenhouse gas emissions in the ACT, 23 per cent compared with 15 per cent nationally. Carbon dioxide emissions from the transport sector can be accurately estimated by multiplying the volume of fuel sold in a year for each fuel type by an emission factor. Unfortunately, there are no currently reliable statistics that report on the sale of transport fuels in the ACT. Without effective data it is difficult to keep track of this significant portion of our emissions. The ACT has in the past relied on indirect sampling estimates based on the Australian Bureau of Statistics survey data of average fuel consumption and distances travelled by ACT vehicles. This data has proven to be inadequate for the purposes of emissions monitoring.

The purpose of this amendment is to mandate the provision of fuel sales data from ACT fuel retailers for the calculation of the relevant greenhouse gas emissions. This will facilitate the monitoring of the implementation of the climate change strategy. Discussions with ACT industry indicate that service station owners have this data available but are concerned about maintaining its confidentiality as this information is a key indicator of a station's financial performance. Therefore, the proposed legislation clearly states that data collected could only be used for the calculation of the associated emissions and be released only in an aggregated format.

This bill is an essential component of our overall greenhouse strategy and will assist the community greatly in monitoring transport greenhouse gas emissions. The government is committed to developing a climate change strategy with a strong response to the issues of climate change. An effective means of monitoring our

emissions is an important underpinning of a strong and measurable strategy. Accordingly, I commend the Environment Protection (Fuel Sales Data) Amendment Bill 2007 to the Assembly.

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

### **Allocation of the call**

**MR SPEAKER:** Dr Foskey, you have raised a matter with me. If you would like to raise it with me now on the public record, it would be better, because everybody would know what you raised. Would you please do that?

**DR FOSKEY (Molonglo):** Thank you, Mr Speaker. I just raised a matter of concern that in this instance I was standing up before Mr Mulcahy. Obviously, this is an issue of great interest to me. I remarked to you that it often happens that people do not look my way and I asked whether it is practice for an opposition member to always be the person who is recognised to adjourn the debate. In this case, I was very keen to be that person. That was the issue that I raised.

**MR SPEAKER:** It is my decision about noticing, if you like, somebody who rises in the context of a debate. I noticed Mr Mulcahy and called him. That is the way it is dealt with from the chair. If nobody in the opposition rose, and somebody else rose, they would get the call. It is not the practice that it is the opposition first, except that routinely in question time I call the leader of the opposition first, unless he does not want to, and I will continue to do that.

We know that you are keenly interested in these matters, Dr Foskey, but at the end of the day I have to call somebody; it is just an exercise of my prerogative. If you were on your feet first, it would not be the first time that somebody has been on their feet first and not been called. For example, sometimes members are not in the house while other members are here—say, at question time—and continually trying to get the call; then, later on, somebody comes into the house. I consciously try to give a bit of a go to the people who have been pressing to get the call first. I hope that explains how I deal with the issue. I also try to be fair in the allocation of the call to members in this place so that everybody gets a bit of a fair go. No doubt you will get the call when it comes to debating the bill.

### **Water Resources Bill 2007**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.39): I move:

That this bill be agreed to in principle.

The Water Resources Bill 2007 supersedes the current Water Resources Act 1998. It implements a new approach to water allocation, brings our legislative framework into line with our national commitments in regard to water resources and introduces a range of improvements in the administration of the ACT's water resources.

I foreshadowed the need for a new approach to water allocation when I presented an amendment to the Water Resources Act in 2005 to commence a moratorium on granting further water allocations.

I pointed out then that the current act requires that applications be processed on a first come, first served basis with minimal consideration of the proposed use of the water. If all the water available for abstraction has been accessed, then new applicants are likely to be refused. This holds true even if the new application is for a beneficial community purpose such as irrigation of public areas or publicly accessible school ovals. A more equitable system was needed that would consider what the water is to be used for.

The moratorium currently in place expires at the end of August 2007 and it is intended to have the new approach in place by that date.

When developing this new approach the views of the community were sought. Understandably, there was a considerable diversity of views, principally between those who already had access to water resources and wished to protect them and others who were seeking a water entitlement or were conscious of protecting public assets.

Nevertheless, there were some points of consensus. People generally agreed that different water uses should be accorded different priorities and that use of water for public projects was a high priority. There was also a common view that the use of surface water or groundwater for residential irrigation should be accorded a low priority as these users have other alternatives to the use of mains water.

While the bill covers the taking of all surface water and groundwater under the control of the territory, the taking of water for urban water supply will not be materially affected. The bill makes it clear that water from the water supply catchments can only be used for urban water supply.

For all other water, this bill implements a water allocation scheme based on three priorities for water use. The highest priority is assigned to water for stock and for domestic use on properties where there is no access to urban water supply. This priority reflects the longstanding situation that there are rural properties whose basic existence as a rural property is dependent on access to water to support stock and domestic needs.

The second-level priority is accorded to commercial and public uses consistent with the territory plan. These uses could be a nursery business, an orchard, a golf course or, in the public realm, irrigation of school grounds or parkland.

The lowest priority is accorded to urban residential use. What this final priority means is that those people who are currently licensed to use water for urban residential irrigation will be able to continue to do so, but only to the extent of efficient use. However, no new or expanded use water for urban residential use will be licensed. In particular, this will mean that no further groundwater use on urban residential properties will be permitted.

Groundwater in the ACT is a small but valuable resource. This government considers that its use should be directed to where it can make the greatest contribution to meeting Think water, act water targets for reducing mains water use. Urban residential properties have practicable alternatives to reduce their demand on mains water through such measures as water efficiency, rainwater use and gray water reuse. But such measures would often be insufficient for public and commercial uses where a greater quantity of water is required. Reserving groundwater use in the urban area to public and commercial purposes will, in the longer term, lead to a greater reduction in the demand on mains water and the more widespread adoption of water sensitive urban design measures in the existing urban area, as well as greater public benefits.

In addition to the new approach to water allocation, the bill makes changes to ensure our water resources legislation is consistent with our commitments under the Intergovernmental Agreement on a National Water Initiative.

Two significant changes have been needed. The first is to explicitly allocate water as a share of the sustainable yield of the catchment, rather than specifying a particular volume. This is a very important change as it facilitates sustainable and transparent management of our water resources in the face of climate change. I will give an example. We currently allocate the sustainable yield of a catchment—let us say it is 100 megalitres all up—in absolute terms. Person A gets 20 megalitres, person B 15 megalitres and so on. Should the climate change, the sustainable yield of the catchment may be reduced and we would find that we had over-allocated in this catchment. Conversely, if each person gets a percentage share of the yield, not a volume, the catchment is not over-allocated if the climate changes and the yield reduces.

Secondly, we need more specific controls on how trading is managed. With appropriate controls, trading is a useful tool to enable water use to move to higher benefit uses. In the future it is anticipated that an active market will provide the mechanism whereby new users can acquire a water access entitlement and other users dispose of a water entitlement they no longer need or use. In order to encourage the development of a market all new users will be required to purchase trading rights and existing users will also be required to purchase trading rights if they wish to amend or transfer their water access entitlement. However, how water can be traded will be clearly specified to avoid unintended consequences.

There are also necessary changes to the current act arising from two recent challenges to decisions made under the act which proceeded to the Court of Appeal. The court identified shortcomings in the act in the way that decisions on allocations and licences were linked to the sustainable yield of the subcatchment. These have been remedied.

Perhaps the most notable implication arising from the Court of Appeal decisions is the ability for the Legislative Assembly to vest all groundwater of the territory, except that controlled by the commonwealth, in the territory and thus manage it in the same way as surface water. Accordingly the bill provides for all groundwater to now be covered by the same allocation arrangements as for surface water. The revised arrangement that can now be implemented will improve the management of water resources and remove a complicating and inequitable anomaly.

The bill contains a number of provisions for the proactive and improved administration and management of the territory's water resources. As a result, the original intention for an integrated approach to water management should be able to be achieved. Provisions include explicit legislative linkages between the total water resource, environmental flow provisions and volumes available for allocation and licensing, and licensing and exemption arrangements which encourage water sensitive urban design and environmental protection.

There are also more practical compliance powers to facilitate water resource management, particularly during dry periods such as the present. New powers will enable water resource officers to inspect premises of licensees with bores in the same way that Actew officers inspect water meters, and to issue infringement notices if a breach of the act has occurred.

In summary, the new approach to water allocation and the associated measures provided for by this bill will lead to a more equitable approach to allocating available water, the more efficient use of available water consistent with the Government's water strategy "Think water, act water", the greater adoption of water sensitive urban design measures, the implementation of commitments made through the National Water Initiative and the more streamlined and effective administration of water resources. I commend the bill to the Assembly.

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

## **Allocation of the call**

### **Statement by Speaker**

**MR SPEAKER:** Members, lest there be further disquiet about these matters, I draw this to your attention. I have just been passed this information by the Clerk, from page 354 of *House of Representatives Practice*. It says:

When the second reading has been moved immediately pursuant to S.O. 142(a), it is mandatory for debate to be adjourned after the Minister's speech, normally on a formal motion of a member of the opposition executive.

In this place, as we know, each member of the opposition executive has frontbench responsibilities, and routinely they are the people who are most interested in the bills which come before the place. So it has always been rather routine to call them. But, Dr Foskey, I note that on one other occasion—I think it was on the Electricity (Greenhouse Gas Emissions) Bill—you received the call.

**Dr Foskey:** Probably Mr Mulcahy refrained from standing.

**Mr Mulcahy:** You jumped up ahead of me.

**MR SPEAKER:** Possibly. I do not know; I do not remember it. In any event, it is my intention to try and be fair but to also acknowledge that the opposition has a long-recognised place in—

**Dr Foskey:** And so, indeed, has the cross bench.

**MR SPEAKER:** Let me finish, please. The opposition has a long-recognised place in legislatures around the Westminster system. So, too, have opposition crossbench members and independents in this place. I will do my best to be fair in giving the call but I ask members to acknowledge that there are some longstanding practices about these matters which exist in these places and which are also routinely recognised by bodies like the Remuneration Tribunal in the allocation of responsibilities.

## **Statute Law Amendment Bill 2007**

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

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.50): I move:

That this bill be agreed to in principle.

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

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

The enhancement of the ACT statute book through the technical amendments program is also a process of modernisation. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum level of consistency in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

The Statute Law Amendment Bill deals with three kinds of matters. Schedule 1 provides for a minor, non-controversial amendment proposed by a government agency. Schedule 2 contains amendments of the Legislation Act proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation.

Statue law amendment bills may include a fourth schedule that repeals redundant legislation. However, a fourth schedule is not included in this bill.

The bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them now. However, I would like to briefly mention three specific matters.

Schedule 1 contains amendments of the Cemeteries and Crematoria Act 2003, the Heritage Act 2004 and the Unlawful Games Act 1984. The amendment of the Cemeteries and Crematoria Act 2003 removes the requirement that a warrant under the Coroners Act 1997 and the Chief Health Officer's permission are both required to exhume human or foetal remains. From a policy perspective, it is intended that either a coroner or the Chief Health Officer can give permission for such an exhumation. This is reflected in sections 23 (3) to (5), which provide for applications to the Chief Health Officer to exhume human remains.

There are two amendments to the Heritage Act. The first amendment makes it clear that if a place or object is also an Aboriginal place or object, each of the entities mentioned in a new section 13 (2) is, in addition to the entities mentioned in existing sections 13 (a) to (e), an interested person for the place or object. The second amendment extends the scope of the section about the partial cancellation of a registered place to include the partial cancellation of a registered object. For example, if a part of a heritage object cannot be repaired and is replaced, it may be appropriate for the registration not to continue to apply to that part of the object.

The amendment of the Unlawful Games Act amends the definition of "unlawful game" to exclude the games of backgammon, bridge, chess or Scrabble. Unlike most other board or card games of skill or chance, the four games are typically played in competitions organised by community bodies and, without the amendment, may offend the act when played for some form of reward, such as as part of a tournament in which prizes are awarded. However, when played for a reward, including as part of a tournament, they are not played for gambling purposes. The tournament prizes or other benefits are a recognition of skill rather than a gambling reward. The purpose of the amendment is to exclude the games of backgammon, bridge, chess and Scrabble from the act's operation.

Schedule 2 provides for non-controversial structural amendments of the Legislation Act 2001 initiated by the parliamentary counsel. Structural issues are particularly concerned with making the statute book more coherent and concise and therefore more accessible. Strategies to achieve these objectives include avoiding unnecessary

duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

The schedule contains two technical amendments of section 192, which sets out the period within which prosecutions for offences must be begun. Offences by corporations that are punishable by a fine of 100 penalty units or more may be begun at any time. The amendments add a reference to the equivalent value of the fine to allow for the application of national uniform laws in the ACT where the penalties were expressed as amounts of money rather than in penalty units.

Schedule 3 contains minor or technical amendments of legislation initiated by the parliamentary counsel's office. The amendments include the correction of minor errors, updating language, improving syntax and other minor changes to update or improve the form of legislation. In addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made to the bill.

The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is second to none in Australia. I commend the bill to the Assembly.

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

## **Estimates 2007-2008—Select Committee**

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (10.57): I move:

That:

- (1) a Select Committee on Estimates 2007-2008 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2007-2008 and any revenue estimates proposed by the Government in the 2007-2008 Budget;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Crossbench;to be notified in writing to the Speaker by 4 p.m. today;
- (3) the Committee report by 21 August 2007;
- (4) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, the motion is self-explanatory; it is in accordance with the standard annual practice of the Assembly in terms of proposition, nomination procedures and report timing. If it is successful, nominations will be submitted to you by 4 pm.

I was told just a few minutes ago that Ms MacDonald is going to move an amendment. I think it is along the same lines as one moved last year—that the committee chair shall be held by a government member. This gets back to the issue which we have been pushing all this week in relation to accountable government. Over the 18 or so years that this Assembly has been going—

**MR SPEAKER:** Mr Stefaniak, it might be better if you speak to the motion after the amendment has been moved.

**MR STEFANIAK:** It might be. Mr Speaker, I commend my motion to the Assembly.

**MS MacDONALD** (Brindabella) (10.59): The government will be supporting Mr Stefaniak's motion but we will be proposing an amendment that a new paragraph 4A be inserted to the effect that the committee chair shall be held by a government member. I move:

After paragraph (4), insert:

“(4A) the Committee Chair shall be held by a Government Member; and”.

**MR SPEAKER:** I take it that the amendment has been circulated.

**Mrs Burke:** It has.

**MS MacDONALD:** I am going to anticipate the arguments that will be put forward by the opposition; I imagine that they will be the same as last year. The reason we are doing this is as follows. We on the government side did have a conversation about the best way to move forward with this and whether we should actually have all of the government non-executive members, excluding the Speaker, on the estimates committee. We tried that last year; we had all three backbenchers on the estimates committee. We also had two members of the opposition and Dr Foskey as the crossbencher. We ended up having problems because of having an even number. There were issues with that. The opposition will argue that this is a travesty, that it is terrible, that they do not get a chair—blah, blah, blah. This will be the third year that this government, a majority government, has had the chair. In every other parliament in this country where there is a majority government, the government holds the position of chair of the estimates committee.

**Mrs Burke:** It is a unicameral parliament.

**MS MacDONALD:** Mrs Burke says it is a unicameral parliament. That is true; it is a unicameral parliament. We acknowledge that. That is why Dr Foskey is on the estimates committee.

*Opposition members interjecting—*

**MR SPEAKER:** Order! There is plenty of time for people to speak in this debate. Please let Ms MacDonald speak uninterrupted.

**MS MacDONALD:** Thank you, Mr Speaker. That is why we acknowledge that the opposition and the cross bench have a right as far as keeping the government accountable for the day is concerned. There will be two members from the government but there will be three non-government members on the committee. Where is the concern? Where is the problem? What is the real problem here? Is the problem that the opposition will not be getting the money for being the committee chair? Is that what the problem is? Is that what the real issue is, Mr Speaker? That is what I would be considering. There is no reason why the opposition and the cross bench cannot keep the government accountable without holding the chair.

**Mr Smyth:** Well, why are you so desperate to have the chair? Why don't you give a positive reason as to why you should have the chair?

**MR SPEAKER:** Order! Mr Smyth, if you want to be able to participate in the debate it would be a good idea to cease interjecting.

**MS MacDONALD:** The fact is that we could choose to have three members of the government and just two members of the opposition, and not involve Dr Foskey, but the government did not feel that that was appropriate. We believe that Dr Foskey does have a role to play in a unicameral parliament. We are glad to see that she will actually be on the committee.

Those are some of the reasons for the amendment. In the last couple of years, we have heard the opposition say that the sky would fall in if they did not chair the estimates committee.

**Mr Smyth:** I don't think anyone has said that. You might want to check *Hansard*.

**MS MacDONALD:** We have had two years when the committee has been chaired by a government member.

*Opposition members interjecting—*

**MS MacDONALD:** Mr Speaker, I cannot hear myself speak. We have had two years—

**Mr Pratt:** We've been too focused on chooks lately.

**MR SPEAKER:** Order! Mr Pratt, please.

**Ms MacDONALD:** We have had two years when the opposition has not had the chair. The committee has been chaired by a government member and estimates has proceeded. People have had the opportunity to come down, ask questions—

**Mrs Dunne:** In camera hearings of estimates—

**MR SPEAKER:** Order! Mrs Dunne.

**MS MacDONALD:** Having served on probably six estimates committees now, I can say that last year was a very difficult budget and I would suggest that Ms Porter chaired it very effectively and still had the opportunity to ask questions of ministers and keep ministers accountable. There is no issue about the government taking the chair position.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.05): Oh, yes, there is, Ms Macdonald. There is a very big issue in relation to this particular amendment. Again, it reflects the arrogance of the first majority government in the territory.

We have a number of conventions in this place—or we had—which are admirable. One of them was sharing the chairs of committees around and having a very strong committee system. I commend the government for the way in which our standing committees operate. One of the other traditions we had in this place, however, was that there would always be a non-government member chairing the estimates committee. That is something that you people have now departed from. You have departed from it because you have got the numbers, and that does not make it right.

It is hardly a matter of the money, Ms Macdonald; the money is a very small amount for a lot of hard work in a very short period of time. It is the actual principle of accountable government and the fact that you are now flagrantly breaching a number of conventions in this place—this is one of them—which we have built up over the short period of time this Assembly has been going.

One of those conventions has been to have a non-government member chair the estimates committee. That is a fine convention. It enables the estimates committee to operate in an obviously fair manner and to hold the government accountable—and to be seen to be holding the government accountable. Having been a minister and having gone through about seven estimates committees as a minister, I do not think it was ever a particular problem. I think it was right and proper that non-government members would chair the estimates committee. Indeed, they do so properly. I myself have chaired at least one of them. The chair has a slightly different role from that of other members on the estimates committee. Most non-government chairs have done that. The estimates committee is not meant to be a rubber stamp for the government's expenditure process and the budget of the government. The budget is an incredibly important document—

**Ms MacDonald:** And it will not be.

**MR STEFANIAK:** You say across the chamber, “No it won't.” I think that is part of the problem. Over the last couple of years we have seen some issues. I recall that a couple of estimates ago people with shadow portfolios and other members who were not on the estimates committee had a great deal of problems in asking any questions at all. Admittedly, that was slightly better last year. Last year it was slightly better. But that is an issue which does not lend itself to good, accountable government.

In the past 15 or 16 of the 18 years or so we have been operating when there has been a non-government chair, that has ensured that all members who appear to ask questions have had a reasonable go. That is part of the process of ensuring that the government is held to be accountable, and it is a process that has worked well.

The committee structure is one of the highlights of this little Assembly. It is something we can be very proud of. The committees scrutinise things such as the budget quite effectively. That has been the case traditionally, anyway. The committees in this place—the standing committees—invariably come down with a lot of common recommendations. In relation to the budget process itself, in years gone by the estimates committee has come down with a lot of common recommendations, with government members and indeed opposition members agreeing. That is healthy. That is what it is all about. Yes, in the estimates committee process there have often been dissenting reports. That is what it is about, too. When you have a minority government, you have got that. When you have a majority government, you have got that—in that instance, from non-government members.

This is one of those important conventions we have developed in this place which you are now flagrantly breaching. This is a very sad day. It is a sad day in relation to this motion. Because this will be a resolution of the Assembly, this will have the effect of forcing a government member to sit in the chair. At least you have the composition of the committee right this year—two members from the government, two from the opposition and one from the cross bench. But it is a flagrant breach of our conventions that you appoint a government chair.

The estimates committee has worked very well for the ACT—for the government and for the Assembly. It does not matter who is in government. It has been a rigorous process. It is made much more so when it does not appear to be a creature of the government and when government members are able to try to ensure that the debate is not as rigorous and the questioning is not as thorough as they could be. It is a perception thing as much as anything else.

It does not particularly matter what happens around the rest of the country. We in this place pride ourselves on being a little bit different. We pride ourselves on having a very strong committee system—a very strong committee system. Amendments such as this simply detract from the strength of our committee system. They wind it back. Committees are not meant to be rubber stamps of the government. Committees are meant to be there to hold the government accountable, especially in estimates committees. One of the best ways of ensuring that that perception is maintained is to maintain the tradition—it was a tradition in this place until only recently—of having a non-government chair.

**DR FOSKEY** (Molonglo) (11.11): I am going to oppose this amendment. I think it should be a basic principle that the committee elects its own chair. It is very sad that the government feels that it has to shore up its position to have certainty in having the chairmanship, to have control of the committee one way or the other.

In every year since I have been here, the declaration, election and establishment of the estimates committee have been subject to some controversy. I have no idea what

things were like before, but methinks it has the smell of majority government. It is very easy; I can see the majority government complacently saying, “Well, you know, we are a majority government.”

Last year the Liberal-National coalition government did something extremely similar in the Senate—actually in the whole parliament—up there on the hill. I know that Labor—as much as the Greens, the Democrats and anyone who was not in the coalition, including many concerned people in our society who care about democracy—joined the outcry about that. In that case, it was ensuring that the government has the majority and a chair on the committee. That is a sure-fire way of suppressing—

**Ms Porter:** Where is the majority?

**Mr Barr:** It is two, two and one.

**Ms Porter:** That is no majority.

**Mrs Burke:** You shut down debate when you hold the chair. You know you do.

**Ms Porter:** No. Add it up: two, two—

**DR FOSKEY:** My dear government members, I do not believe I said that. I said that these are tools that are used by governments to ensure that there is a lessening of democracy. In this case, we would have seen different fun and games if the government had not put it into an amendment, which will of course become a resolution. We would have seen a different set of games played about who took the chair. I am used to those. I am used to being blamed for doing deals with the government. In this way, they are just cutting straight to the chase. They are declaring the chair; they are reducing the ability for the committee to decide on its own chair. We will see more fun and games in the running of estimates. That has been the way it has gone in the last two years.

I happen to think that the estimates process is really important. I value my membership of the committee. I thank the government for that, and I thank the opposition for including me in the motion. If I were not in estimates, it would be very hard for me to ask the kinds of questions I do and to do the scrutiny. I believe that the Greens ask questions that are not asked by others. We are able to bring in some of the concerns of the community sector as well as of people who care about the environment—as well as concerns that I have developed in the time I have been in the Assembly. So I thank the government for that.

I note again—ironically, and not because I want the money—that once again I am being denied the chance to chair a committee in this place. It is a very interesting thing—four years, and not a single chance to chair a committee. I am sure that the government has its reasons for that and I am sure the opposition will endorse it on that. We will have the fun and games. I am looking forward to it; feeling more equipped for it; and sorry that I will not have a chance to be a democratically elected chairperson. But I am not surprised and I will not be supporting the amendment.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (11.15): I will be supporting Ms MacDonald's amendment. I find it somewhat amusing to be lectured in this place by the Liberal Party of Australia on conventions in Australian politics and the Australian parliament. Fair dinkum, if there is one political party in Australia that has lost the right to ever call on parliamentary conventions—or conventions of a constitutional nature—it is the Liberal Party of Australia. Let there never again be a lecture from people who sit in an Australian parliament as a member of the Liberal Party of Australia. That right has long been lost—any right to claim conventions in politics. You must be kidding.

We all know the confected debate that occurs around this particular issue. What I am interested in is the quality of the contributions that are made during the estimates process. It will be interesting to see whether some of the shadow ministers who do not want to “waste their time” asking questions in particular portfolio areas in this place might decide to front up to estimates, ask a few questions and show some interest in some serious policy discussion around, say, the future of education in this territory and this country.

Estimates are an excellent opportunity for those opposite. I will be very interested to see which two members opposite volunteer to be on the committee. The supposed issue in times past where shadow ministers felt they have not had the opportunity to ask questions is perhaps more of a reflection upon the internal politics of those opposite as to who gets onto the committee and who gets the time to ask the questions.

All of us who have sat in the estimates hearings have seen the sort of politics that goes on. We all remember Mr Pratt storming out without his coffee mug and having to come back in to get it. We all remember that episode. That was largely because some of his colleagues wanted to get their questions in first, and that would not have enabled him to ask the questions. Mr Pratt felt the need to storm out. There is an imputation that in some way opposition members are denied the opportunity to ask all of the questions that they want to. Of course, there is ample opportunity. It is taken every year. And at the end of the process, hours and hours of public service time are taken up in answering questions on notice.

**Mr Mulcahy:** You are out shopping, Andrew.

**MR BARR:** No, I am not suggesting that that is shocking. What I am saying is that those—

**Mr Mulcahy:** No, I said shopping—shopping.

**MR BARR:** Sorry, I misheard. But that opportunity is there as well, and it is taken. I do not think anyone could deny that every possible question that is not asked in the hearings is put on notice at the end. We have all seen it. I have only had experience of one year in the estimates process as a minister but, having worked in this building for some time, I am aware of how all this works. There is no way that anyone in the opposition does not get the opportunity to ask their questions.

In relation to Dr Foskey's comments, yes, I endorse the Greens' role in the committee—and that of the crossbench. That is why the government is supporting the substantive motion moved by Mr Stefaniak. It is an important role. Dr Foskey is correct: she does often ask questions that are not asked by those opposite. I would go so far as to say that Dr Foskey tends to ask some of the more intelligent questions—though not always. Dr Foskey has had her moments for somewhat curious questions, but generally speaking she has had more intelligent questions to ask than some shadow ministers did last year.

I am very much looking forward to again engaging in debate with Mr Smyth over matters of tourism, sport and recreation. I am sure that he will continue to pursue those issues. I hope he is a member of the committee this year. I hope that internal Liberal Party politics do not stop Mr Smyth from being one of the members on the committee. I know that he will make a wonderful contribution during the course of the estimates process. I look forward to all members contributing in that way. You have all got the opportunity.

**Mr Mulcahy:** Put us all on the committee then.

**MR BARR:** We have had a couple of insinuations that certain members of the government backbench were not prepared to do the work. There was this insinuation. By there being only two government members, Mr Seselja indicated that someone was wanting to slack off. What is your proposal, Mr Seselja? That we have all three—

**Mr Seselja:** We could have all non-executive members on.

**MR BARR:** You would like to amend it? You have that in effect anyway, do you not? Everyone comes in and asks questions, Mr Seselja. The amendment that Ms MacDonald has moved in no way impinges on the right of any member to come in and ask a question or put questions on notice. And with a committee balanced the way it is, the raw politics of this are very clear: if all non-government members wish to pursue some sort of agenda against the government, they will have the numbers on this committee. You can hardly accuse the government of seeking to stack the committee or attack democracy in the territory. Seriously, of all of the confected and overstated claims!

I agree that this place is probably the most democratic parliament in the country, and we do have a very strong tradition. The opportunities that are afforded to members in this place are well in advance of those in other parliaments. For people to seriously argue that this amendment in any way undermines democracy in the ACT is, to quote Kevin Rudd, a bridge too far, ladies and gentlemen. It is a bridge too far. You all know it. The amendment that Ms MacDonald has moved is a sensible and practical one that deserves the support of the Assembly. I am sure that it will receive the support of the Assembly. We all look forward to a constructive estimates process.

**MR PRATT (Brindabella) (11.22):** I stand to support Mr Stefaniak's motion, which is an attempt to bring the estimates process back to a fair, open and accountable system—something that Mr Barr would not recognise if he tripped over it. I reject Ms MacDonald's amendment, which is simply another scrum-collapsing exercise to shore up the government's poor position.

The estimates process is supposed to be a wide-ranging examination of expenditure. It has also evolved into an evaluation of performance. The overall effect of estimates is to keep executive government accountable and place a great deal of information on the public record.

The Stanhope government has turned this process into a farce. If the performance of the committee was in any way effective last year, then, if I may say so humbly, it was down to the drive and the determination of the opposition to hold the government members accountable. I hail Mr Smyth's performance particularly—the stiletto like effort to keep the committee on track.

Last year I was privileged to be part of the estimates committee. However, most of the recommendations put forward by Mr Smyth and me for inclusion in the committee's report were voted out by the Labor members of the committee—a committee that from the start was stacked by the Chief Minister to protect the Labor Party from a committee backlash over a horror budget.

Here today, Mr Barr is moaning and whingeing about the behaviour of members and our genuine determination to play a meaningful role in this committee process. What hypocrisy. Has Mr Barr forgotten that during the preparation of the report we had the unedifying performance of Mr Gentleman standing up in the committee room—red pulsating face bloated in anger—screaming abuse at Mary Porter? He was flinging Fs around like they were going out of style. Here is Mr Barr talking about our behaviour! If we go back to the previous year, visiting members going down to the committee were very lucky to be able to raise questions. Let us go back to Karin MacDonald.

In 2005, my colleagues Mr Mulcahy and Mr Seselja, who were on that committee, were struggling—like Pratt and Smyth in 2006—to keep the committee on track. I can recall on one occasion going down and waiting 44 minutes to ask one question, three minutes before the lunch break. It is collapsing the scrum. Why did it happen? Because the government members on the committee in 2005 feared the scrutiny that the opposition wanted to apply to the government on a range of issues.

Look at Ms Karin MacDonald's performance last year. Mr Barr, you were talking about performance, behaviour and standards. What about her departure at a time when the committee needed to be writing reports and sitting again to review miscellaneous issues? Her absconding broke down that process. Of course, her performance last year was echoing her lousy, rotten performance in 2005. The Labor government's attempt to stack the estimates committee was a dismal failure for them and a bit of a win for the community, regardless.

Yesterday we talked about Mr Stanhope's statements. We talked about his pronouncements to the Labor conference in 2001 about open, accountable and honest government. These principles do not really apply when it comes to the estimates committee. We had the Stanhope government turning over the convention—the tradition that oppositions chair committees. Why would you do that? You do not need to be a rocket scientist to work out that Mr Stanhope's motive was so that they could control the flow of information, control the writing of the reports and collapse the scrum whenever members of the opposition were getting a little too close to the bone.

This is disgraceful behaviour. For all the bleatings from Mr Barr, the single fact that Mr Stanhope decided to destroy the conventions that applied in previous Assemblies speaks volumes of this government's attitude about dumbing down this process. Dr Foskey is absolutely right: this community depends on this process to ensure that we hold the government accountable during a particularly important phase of the Assembly cycle, and we are not getting it. We simply are not getting it.

Let me give an example, the in camera issue that we tried to get moving last year. Mr Smyth and I had a serious issue that we wanted to hold you, Mr Barr, accountable for. It involved a particular school. We will not talk about that issue in detail now; it is simply not appropriate at this time. But it is appropriate to talk about the principle. A very serious issue was raised. We attempted to have that matter dealt with in camera. That estimates committee was an entirely appropriate place in which to address an urgent, real-life issue of some danger to teachers and students alike.

That matter should have been dealt with. The committee process was the way to deal with that. But you back-flipped and your government colleagues on that committee went out of their way to ensure that the scrutiny process—that accountability process—would be blown out the back door. Mr Barr, I bet we still have those issues unresolved to this day. Those issues are unresolved to this day because this Assembly did not have the guts to analyse and scrutinise them. That committee was absolutely collapsed in relation to that.

Let me talk about the disgraceful behaviour of ministers who refuse to answer the questions asked by members of the opposition. It was such a poor display—

*Members interjecting—*

**MR SPEAKER:** Order! There are too many conversations going on in the room.

**MR PRATT:** It was such a poor display—

**Mr Barr:** And what they did was disgraceful. It was disgraceful, Jacqui.

**MR SPEAKER:** Order! Mr Barr, Mr Pratt has the floor.

**MR PRATT:** It was a poor display; I have not seen anything like it in the five years that I have been in this place. While Mr Gentleman did not believe that Mr Hargreaves behaved badly during the hearings, evidence in the transcripts contradicted his misguided view. Do we need to talk about the “dickhead” comment, Mr Gentleman—the comment made by Mr Hargreaves? This was erudite academic management on the part of Mr Hargreaves as he opened himself up to accountability. What a wonderful performance! The minister's inappropriate comments about members of the community are legendary. His responses to scrutinising questions by a number of members of the committee and opposition are legendary.

You need to do something about it. If you want to ensure that this year's committee process is going to be open and accountable and we are all going to get down and drill to the points that need to be analysed, you need to take your colleague Mr Hargreaves

under your wing and whack some sense into his head so that, as a committee, we can at least be proud that the committee is behaving and performing and so that we can demonstrate to our community that the committee is operating in the way that it should do in the best traditions of the Westminster system.

We in the opposition are absolutely adamant that we would like to see the chairing of this committee returned to the traditional way. We are asking the government to show some common sense in this, to show just a grain of democratic thought. We shoot this amendment by Ms MacDonald down in flames. It is a joke. We ask that members opposite come to their senses on this question and let us have a genuine discussion about how the estimates committee could be returned to the previously high standards that existed before you mob came to government and ruined it.

**MR MULCAHY** (Molonglo) (11.32): I want to say a few words to underline and support the sentiments of Mr Stefaniak and Mr Pratt on this matter. I share the views that the amendment that has been put forward is quite inappropriate, that the motion that Mr Stefaniak has put forward should stand as it is and that these matters should be determined by the members of the committee.

When you have a unicameral legislature, there are limitations in terms of accountability. And boy, haven't we seen that in Queensland over the years? A strength that over the years has often been cited in publications, briefings and so on in relation to the ACT is the strength of its committee system, but we have seen that committee system being diluted as a consequence of a government that has become numb with fear in terms of scrutiny and accountability. It has become numb with fear. I had a chance to read the Sensis index the other day, and I noticed the growing level of disquiet amongst members of the ACT community over the performance of this government—a growing level of disquiet indicated now in survey work.

Whilst I would like members opposite to come to their senses and abandon this amendment and support Mr Stefaniak's motion, deep down I must admit that the more they attempt to block scrutiny and fight against examination of the management of the government, the more it will work to the advantage of the opposition in the October 2008 election.

This performance by the government is a reaction of fear. Last year they loaded the committee with three members because they thought that three ineffective members would be better than two ineffective members. But the fact of the matter is that, because of the expertise of opposition members, even that failed to work. They were left with an embarrassingly scandalous situation in terms of the way the committee hearings took place.

We had the secret hearings. When things got tough on EpiCentre, when Mr Seselja started getting to the nub of issues, they hit the panic button and went into in camera evidence as though there was some horrendous scandal that they were fearful would be uncovered. What kind of government does that? In camera evidence because some straightforward questions are being asked of ACTPLA? And there is more on that saga that we will hear as time goes on.

It is an indictment of this territory's government that they were operating in this fashion and that they are so unwilling to have the degree of scrutiny needed. I served on the estimates committee in my first year here, and will no doubt do it again at a future stage as we move through and share responsibility amongst our members—as Mr Stefaniak and Mrs Burke will this year, and as Mr Pratt and Mr Smyth did last year.

All of us, with our different experience, have found ministers who are scrambling to explain themselves. They arrive in these hearings with 30 or 40 officials. It is quite extraordinary. Ministers in charge of their portfolios seem to bring half the department in there because they are so lacking in confidence about being able to get across the portfolio. Mr Stanhope has taken everybody's job now; he is increasingly unable to respond to issues because he knows he has not got very competent people in his ministry. He will not let Simon have a look in so he has to do all the jobs himself.

The performance of this government is becoming legendary. Boy, wasn't the first estimates committee that I saw when I came into this place legendary? Mr Seselja and I went onto that committee. Panic broke out. "Here are a couple of new Turks; we have to make sure they do not get a look in." Ms MacDonald took charge. Ms MacDonald was reduced to distress. She was reduced to distress because of the way Mr Hargreaves treated her. He treated her with loathing and contempt. We had adjournments because of the abusive conduct that went on in those hearings, the likes of which I have not seen before or since in any aspect of this Assembly's deliberations.

Even when they take control of the chair, the system breaks down. They take control of the chair to try and muzzle our people. Mr Stefaniak could not get a look in. Mr Pratt, I know, could not get a look in as a visiting member. Even when they had all these things going, the system broke down because they could not even manage their own people. They have a rabble across the other side. The people of Canberra are increasingly becoming aware of the limitations of this territory government.

This government is fearful of accountability. It is not committed to good principles of governance. It is in the position of working for survival and hoping it can hang on like grim death. It is fearful about next time around. Dr Foskey has gone, but they are hoping that Dr Foskey might be the key to their survival. Members opposite are worried. They know they are in difficulties. They take any opportunity to shut down the scrutiny that is expected by the people of Canberra. They take any opportunity to abandon the principles that are part of this legislature and abandon long-held practice. Practice that has applied since self-government is gradually going out the door. A government should not attempt to control the chair of committees.

This is a sad reflection on the way in which things are going in this legislature. I implore those opposite to reflect on the foolishness of the approach they are taking. Ultimately it will work to the advantage of opposition members as the electorate becomes aware of it, but it is a very bad day for the democratic process when we are moving increasingly to the shutdown approach. The government's approach is reflected in the way in which it is grabbing the chair. It is reflected in the cosy deal that poor Dr Foskey nearly got suckered into by the leader in the house in the first year. That all fell apart. The 30 pieces of silver were offered. It was then reflected in

stacking the committee. That was not enough, so they went to the closed hearings process. What a shocking track record for a government that is obviously fearful of scrutiny.

This amendment should be abandoned, not just opposed. It should be abandoned by the government. Mr Stefaniak's motion should be supported as it stands and the committee should be able to pick its chair.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (11.39): From time to time we in this place all engage in just a touch of politics and just a bit of expression of opinion that reflects our particular world view or a particular circumstance at the time. But in a debate around the establishment of an estimates committee in a majority parliament, any member of the opposition that dares to suggest that a government that concedes a three-two committee against itself must know the extent to which they embarrass themselves.

Today, we as a government have conceded the establishment of a committee that does not advantage us in the context of its membership. The numbers on this committee are three to two. There is a committee structure and membership agreed to by the government—a government with a majority, with the numbers—three to two against us.

Let us look at any other debate in any other parliament in Australia today—including, most latterly, the Howard government on the hill in relation to the numbers or the structure of the estimates committees in the Senate. For each of the estimates committees in the Senate, John Howard, the Prime Minister, and the Liberal Party within that parliament did not concede a structure which does not advantage them in terms of the numbers.

The debate today is puerile in the extreme. We—as a government with a majority, with the capacity to control this committee absolutely—have decided today, as an expression of our commitment to the inclusion of the opposition and the crossbench in the estimates committee, which is an important committee. We have today conceded to adopt a minority position on that committee. We have today adopted and agreed willingly to a minority position on perhaps the most important committee in the Assembly. We are in minority on this committee despite the fact that we are in majority in this place. We have the numbers; we control the numbers. Today we have willingly, openly, knowingly and inclusively agreed to adopt a minority position on the estimates committee. We have had this puerile nonsense—confected, puerile, asinine nonsense. You must be embarrassed at the lengths to which you have gone to confect a suggestion of a government with a majority actually abusing that power or that majority. You should be embarrassed.

*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 STANHOPE:** As I was saying, the opposition should be embarrassed. We all understand the nature of this place, the nature of political debate and the nature of political positioning. But you have not got a case. You are out there trying to confect a case. Heaven forbid! We, as a government with a majority—with the capacity to influence the membership, structure and nature of every committee in this place—choose to adopt a minority position, with just one extra proviso. Whilst we agree to a minority position and we expose ourselves to the possibility of losing every single vote that the committee might take, we have quite legitimately and rightly suggested that our concession to adopt a minority position on that committee will be accompanied by a desire to chair the committee. We accept that potentially we will lose every vote, but in making a concession to agree to a minority position on a very important and significant committee it is reasonable and appropriate for the government, the party in whom the people of Canberra have vested their trust, to chair that committee, albeit as a minority on the committee.

For an opposition in this place to stand up and expect anybody to take this matter seriously is puerile. The opposition has a minority, an absence of a capacity to influence ultimately any decision that the committee might take. It is puerile in the extreme for the opposition to suggest that the government is somehow abusing its authority, the authority that was vested in it by the people of the ACT. It is simply absurd for each of you to stand up in this place successively—serially—and expect anybody to take you seriously in the context of a debate where we, the government, have agreed to be a minority. It just paints you as absurd.

We have willingly exposed ourselves to the possibility that we will lose every vote that this committee might take. No other government in Australia has done it. The federal government under John Howard has not done it.

**Mrs Burke:** So now you are some sort of hero.

**MR STANHOPE:** It is incredibly generous. We had a significant debate in the caucus about it this morning. Some of us thought that it was overly generous, that there was absolutely no need to do it. John Howard does not do it in the federal parliament. John Howard does not allow a single committee within his jurisdiction, within his Senate, to be chaired by the opposition—let alone, heaven forbid, for the opposition to hold a majority on the committee. We have done it. We have agreed.

We have been generous. We had the debate. As you would expect, there was another view: “Why don’t we simply have a three-two committee? That is what John Howard would have done. That is what every other parliament in Australia does. Why don’t we do what every other parliament does?” We decided today that we would not—that we would reflect the nature of this particular Assembly through this committee and accept that we have a crossbench with a right to play an active role in the proceedings of the Assembly, of the parliament. We accepted that. We accept that we will be in a minority. That is a very rare thing today—in fact, a unique thing in an Australian parliament today. We are the only government in Australia today to willingly accept a minority position on an estimates committee.

You stand up and criticise us for that! You stand up and seek to confect some abuse of power because, in the context of accepting a minority position on an extremely important committee, we think it is reasonable for the government to chair this committee, albeit from a minority position. What nonsense. You should stand embarrassed by the nonsense you spouted this morning. Once again, it is a reflection of the fact—

**Mr Pratt:** Well, we don't.

**MR STANHOPE:** The point I make, Mr Pratt, is that this whole debate has been confected by you. You have been banging on for almost an hour now, for the sheer purpose of theatre. You have been banging on for one hour about the fact that, although we as a government decided to allow the opposition to dominate the estimates committee, with the crossbench, we thought it appropriate in that circumstance for us to simply chair the committee.

We agreed amongst ourselves. We showed a willingness to embrace the Assembly. We agreed that we would be in a minority. We have had to put up with this confected nonsense which really is a cover for the fact that you have nothing to say on issues of substance. You do not want to debate bills that are before the Assembly. You have no policies—not one. I have not seen a single policy except decisions to not open schools, to abandon the fire levy, to abandon the water abstraction charge, to cut payroll tax and stamp duty and—the decision we saw this week—to reinstitute an ecobank at the cost of \$100 million in its first year.

**Mr Stefaniak:** No, that was Kevin Rudd.

**MR STANHOPE:** No, it was you. It was actually reaffirmed this week. There is Vicki Dunne's flawed policy. We know what the policies are. We have actually got the \$100 million bank back. Richard Mulcahy, the shadow Treasurer, embraced it this week. They are the policies we know about—the ones that will cost the community somewhere between \$200 million and \$300 million in the first year. (*Time expired.*)

Question put:

That the question be now put.

The Assembly voted—

Ayes 9

Noes 6

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

Question so resolved in the affirmative.

Question put:

That **Ms MacDonald**'s amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 7

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

### **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent notice No. 2, Private Members' business, relating to the use of audio visual and audio links in committee public and deliberative meetings, being called on forthwith.

### **Committees—audiovisual and audio links**

**MRS DUNNE** (Ginninderra) (11.53): I move:

That:

- (1) when a public meeting or deliberative meeting is being conducted, an Assembly committee may resolve to conduct proceedings using audio visual or audio links with members of the committee or witness not present in one place;
- (2) if an audio visual or audio link is used, committee members and witnesses must be able to speak to and hear each other at the same time regardless of location; and
- (3) if the Chair is not present where the public hearing or deliberative meeting is being conducted, the Deputy Chair shall chair the meeting in accordance with standing order 226.

It is useful that this motion has come on immediately after the motion for the establishment of the estimates committee. It has been hanging around since last year's estimates committee and it is the "get Karin MacDonald out of jail free" ticket. Last year, because of the intransigence of the Labor Party earlier in the piece and because a member was not present in the ACT there was no capacity to conduct a deliberative meeting of the estimates committee. This meant that Ms MacDonald had to come scurrying back from New Zealand where she had gone to a little too precipitately.

Because of the high farce of last year's estimates committee and the carry-on, the opposition decided that it would try, in its commitment to good government and the good operation of committees, to solve the problems that arose for the government last year which ended up bringing the estimates committee into some disrepute. The offshoot of that was the appalling treatment by Mr Gentleman of the chair, Ms Porter, in meetings where he let fly with a huge range of inappropriate and unparliamentary language.

**Mr Gentleman:** I raise a point of order, Mr Speaker. Mrs Dunne refers to an incident last year and says that there was an occurrence within the estimates committee that offended my colleague Ms Porter. I would like it placed on the record that there was no occurrence inside the estimates committee.

**MR SPEAKER:** That is not a point of order, Mr Gentleman.

**Mr Stanhope:** It is a fair point, though, when a member is actually misleading the Assembly.

**MR SPEAKER:** It might be a debating point, but it is not a point of order.

**MRS DUNNE:** The language used, Mr Speaker, is on the public record and admitted by Mr Gentleman.

Today's motion is a further move by the Liberal Party to ensure the integrity of the entire committee system by allowing some flexibility in the hearing of evidence and for meetings of members. It brings the committee system into the 21st century and probably brings it into line with the practice of most other committees in other parliaments. I commend to members the spirit of the motion, which allows for the use of electronic technology so that we can continue to participate in committee inquiries when people, for whatever reason, are unable physically to be in the one location.

In future, it may be that when committees are deliberating on a range of matters, rather than the committee having to travel interstate or to pay for someone to come here to give evidence, they will be able to give evidence by remote audio or audiovisual link. This would be not so much of an impost on the time or the money of the Assembly and we may be able to get through more committee inquiries and investigations because there will not be so much time and money put into travel by committee members and by witnesses before committees.

On the subject of maintaining the integrity of committees, I would like to put on the record the motion passed by the ACT Liberal Party party room on 6 April 2005 that goes to the integrity of committees. It states:

Notwithstanding the numerical make-up of any Legislative Assembly, we, the Parliamentary Liberal Party, will always ensure proper scrutiny of any executive business by assembly committees and specifically the Liberal Party will not flout the standing orders or disregard parliamentary practice to avoid the scrutiny of major business, especially budgets. The committees would always reflect the make-up of the Legislative Assembly and the Leader of the Opposition's nominee should always be the chair of a select committee on estimates.

This has been the policy of the Liberal Party in practice since the beginning of self-government in the ACT and it has been formally endorsed by the parliamentary party. In 2005, after 16 years of form and practice, this opposition flouted the rules and conventions and has continued—

**MR SPEAKER:** Relevance, Mrs Dunne.

**MRS DUNNE:** to do so through the last period of time.

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

**MRS DUNNE:** The relevance, Mr Speaker, is that this is about maintaining the integrity of the estimates committee process.

**Mr Corbell:** Mr Speaker, I think Mrs Dunne is coming close to reflecting on the debate we have just had, in which the Assembly resolved that the committee in question will be chaired by a government member. I think she should be cautioned in that regard.

**MR SPEAKER:** Members are advised not to reflect on a vote of the Assembly. They should also remain relevant to the motion which is before the house.

**MRS DUNNE:** I do not reflect on the motion previously voted on. I am reflecting upon the ACT parliamentary Liberal Party's commitment to the integrity of the committee system, which is what we are discussing here today, and providing a mechanism for members of the Assembly to contribute to committees and here take evidence in committee by remote audiovisual link. In the past the Labor Party has opposed this proposal. I hope that today they will not do so again.

**MS MacDONALD (Brindabella) (12.00):** The government will be supporting Mrs Dunne's amended motion. We would have had issues with the original motion but believe this is a sensible motion. The practice did operate in the previous Assembly for some two years, to my understanding, without issue. I know that, in the previous Assembly, on one or two occasions the provision was utilised for me to attend after I had an operation. We had an audio meeting of the public accounts committee with me on the end of the telephone.

I believe it would be sensible to go forward with this. I understand that the Clerk has put this forward and that the admin and procedure committee is looking to include it in the new standing orders. This is a practice that I understand has occurred for some 15 years in federal parliament. I do not believe there is an issue with this going ahead.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Report 26**

**MR GENTLEMAN (Brindabella) (12.02):** I present the following report:

Report 26 of the Standing Committee on Planning and Environment entitled *Report on the annual and financial reports 2005-06* together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

**MR GENTLEMAN:** I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR GENTLEMAN:** I move:

That the report be noted.

I have tabled today the annual and financial reports for 2005-06 of the Standing Committee on Planning and Environment.

On 17 October 2006, the ACT government's annual and financial reports for 2005-06 were tabled in the ACT Legislative Assembly. The Standing Committee on Planning and Environment had reports of the following agencies referred to it: the ACT Planning and Land Authority, the ACT Land and Development Agency, the ACTION authority, the Department of Urban Services, the Commissioner for the Environment, the Canberra Public Cemeteries Trust, as well as the Chief Minister's Department on environmental matters only.

This report focuses on the issues raised and assessed during the committee's public hearings for this inquiry. To assist with the assessment process and to clarify issues, the committee held public meetings on 24 October 2006 and 31 October 2006. This was an important inquiry, as annual reports are key accountability documents concerning management performance. They reflect on the year's performance, achievements and outcomes and are also concise by way of accounting for the expenditure of public moneys.

The committee has made seven recommendations in this report. In recommendation 1 the committee recommends that the Minister for Territory and Municipal Services comply with the ACT government community engagement manual in the administration of his portfolio responsibilities.

In recommendation 2 the committee recommends that the office of Commissioner for the Environment be allocated an additional permanent position at an appropriate senior level.

In recommendation 3 the committee recommends that ACT government departments reduce the use of contract staff through better management of their permanent public service staff.

In recommendation 4 the committee recommends that the public education activities at the materials recovery facility in Hume continue to be promoted and expanded.

In recommendation 5 the committee recommends that in future annual reports the ACT Planning and Land Authority better comply with the Chief Minister's annual report directions concerning the reporting of external scrutiny.

In recommendation 6 the committee recommends that the Assembly consider the benefits of joint inquiries by Assembly and counterpart parliamentary committees in other jurisdictions, including the commonwealth, in relation to matters that have both commonwealth and ACT implications. This is in line with the joint standing committee's recommendation in 2004 that planning projects affecting both territory and commonwealth planning policies should be better integrated. The Australian government agreed with this recommendation.

The committee is aware that many stakeholders are confused by the dual planning system or, if not confused, then often frustrated by the disadvantages and costs of the dual system. It is for these reasons that the committee is interested in discussing with the Australian parliament's Joint Standing Committee on the National Capital and External Territories how parliamentary committees' reviews of planning matters affecting both territory and commonwealth planning policies might be better coordinated or integrated, or at least how some cooperation might be promoted between the parliamentary committees. These joint inquiries would have various benefits which are outlined in the report.

Lastly, the committee recommends that the Assembly resolve to permit joint inquiries by the Standing Committee on Planning and Environment and the Australian parliament's Joint Standing Committee on the National Capital and External Territories in relation to matters that require amendments to both the national capital plan and the territory plan.

Question resolved in the affirmative.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Financial Management Amendment Bill 2007**

Debate resumed from 6 March 2007, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (12.07): Before I comment directly on the bill, which I should say the Liberal Party will support, I want to comment on the rushed nature of its introduction into the Assembly. This bill, along with the Government Procurement Amendment Bill, was introduced to the Assembly on Tuesday, 6 March and was originally scheduled to be debated in the Assembly on 15 March, just a little over a week later. As is my standard practice, I immediately requested a briefing from Treasury officials, which was supplied to me on the afternoon of Monday, 12 March.

Whilst I thank the government and Treasury officials for making themselves available for the briefing, it must be noted that, had the bill been debated as originally scheduled, it would have given me and the other members of the opposition a mere three days to consider its ramifications and to provide critical comments. This is hardly an ideal situation for scrutinising legislation brought before the Assembly.

The consequences of such rushed legislation are apparent from the fact that the bill is to be amended by the Treasurer today to remedy a serious drafting error which was not detected until Mr Ben O'Neill in my office pointed it out to Treasury officials just days before the bill was originally scheduled to be voted on by the Assembly. Had this not been the case, it may have been the law of the land by now, warts and all.

It is this kind of sloppy work that you get when a majority government tries to rush through legislation without any real opportunity for proper scrutiny. Perhaps the government believes that with its majority it can simply dismiss any opposition as nonexistent. As the Assembly currently stands, bills will be passed with government majority regardless of the views of the opposition or the Greens. But as we have seen this rushed, unaccountable approach can lead to errors.

This is an unusual approach, one that we did not see previously during Mr Quinlan's term as Treasurer. I think it is a reflection of the way in which things are presently being handled by the Treasurer, who is, at the end of the day, ultimately responsible for the processes of his office and the department. If this were a time-critical piece of legislation that had to be urgently implemented, then I would have been more than happy to work to a rushed time frame. However, in the circumstances I suggest this legislation was merely being forced through by the government quite simply because they can do so.

Unfortunately, my request to the Chief Minister's Office for additional time to examine this bill and the Government Procurement Amendment Bill was dismissed in, quite frankly, a rather arrogant fashion. But as events unfolded, delays in the Assembly on 15 March meant that the debate for the bill was held over until this sitting. This has given both the government and the opposition time to reflect on the bills and to speak with affected parties in our community, and it has certainly, of course, given the government time to get its act together and correct its drafting mistakes. Hopefully, there will be a lesson learnt and we will not see this sort of approach taken on future legislation.

Now, dealing with the substance of the bill, as I said, the opposition will be supporting this bill. The bill provides appropriate mechanisms that allow the Treasurer to preserve appropriations from one financial year to the next and to provide additional funding to agencies to pay unbudgeted employee entitlements. I am pleased that the government has accepted the point that we raised during the briefing that there was an error in the drafting of clause 16A (1) (c).

This clause, as it was originally drafted, would have meant that the Treasurer was never able to authorise appropriation under the section because it provided for an additional appropriation if an employee entitlement—that is, a singular entitlement—exceeded the total amount appropriated. Obviously, this would never occur. Clearly,

the intention was for an additional appropriation for accrued employee entitlements to be made when total employee entitlements for the year exceed the total appropriation for employee entitlements. I had planned to move an amendment to rectify this error, but I am pleased that the government has acted on the suggestion we put forward and presented this amended bill.

As I have already stated, this drafting error further highlights the need for adequate time for bills and, as I have indicated, this has always been the case. Indeed, there was some legislation that Mr Corbell brought in when we last sat, and because of significant changes he respected the fact that members should have several weeks to consider legislation unless there is some absolute imperative for rushing it through the Assembly.

This bill allows the Treasurer to authorise appropriation of money to roll over to the next financial year where money has been appropriated but not disbursed to an agency in a financial year. As amended, it also allows the Treasurer to authorise appropriation of money to an agency if an agency is required to pay an employee entitlement in a financial year and the amount of the total employee entitlements exceeds the amount appropriated for the entity in relation to employee entitlements for that financial year.

One concern that I do hold is that, although the Treasurer suggested in his presentation speech that the additional appropriation for employee entitlements is required for unbudgeted abnormally high levels of entitlements due to unanticipated resignations, which would trigger payouts for accrued leave, there is, in fact, nothing in the bill that requires that there be an abnormally high number of resignations or an abnormally high level of entitlement. This bill allows new appropriation wherever the agency is required to pay employee entitlements that exceed the appropriations, regardless of the reason.

Although the opposition does support this bill and believes that the Treasurer should be able to make appropriations to ensure that agencies can meet their employee entitlements, we also strongly believe that agencies should adhere to strict recruiting guidelines and maintain staffing levels to the predetermined levels. I was assured in my briefing with officials that strict recruiting guidelines are in place, but given this government's propensity for public sector expansion I wish to place on the record my concern that the discretionary power to make additional appropriations is not used for unfettered expansion of the public service.

The opposition believes that this legislation is part of the government's larger plan to minimise the cash balances of agencies and generally improve efficiency and expenditure across government. I do remain somewhat sceptical of the government's ability to achieve this. Since its election in 2001, the motto of those opposite has been to spend, spend and spend. This practice, of course, drove Mr Stanhope's predecessor as Treasurer into an early retirement onto the bowling greens of Canberra, which he seemed to be enjoying when I saw him the other day.

Given Mr Stanhope's recent conversion to the realities of economic management, we certainly will wait with bated breath and a protective hand over our wallets and purses to see if the Treasurer and the government he leads can, in fact, stick to this policy or whether the people of Canberra will face further increases in ACT government

charges. The opposition will be supporting this bill and the amendment to be put forward.

**DR FOSKEY** (Molonglo) (12.14): I want to endorse some of Mr Mulcahy's comments. I thank the officers that gave my staff a briefing. Because I see these changes as pretty much technical changes, and useful at that, I too will be supporting this bill.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.14): I thank members for their support for this bill. I think it needs to be said, however, in relation to Mr Mulcahy's huffing and puffing about this odious practice of the government's and mine of introducing legislation and from time to time seeking to have legislation treated as a matter of urgency, that when Mr Mulcahy rose and began his diatribe, his leader, Mr Stefaniak, stood up and left the chamber.

I know why he did it. Yesterday Mr Stefaniak asked me to agree to have a bill that he had introduced dealing with racing and gaming debated today. Mr Stefaniak left the chamber rather than having to listen to a diatribe from Mr Mulcahy about the evils of dealing with legislation urgently. Mr Mulcahy has confected some nonsense about this odious practice that I had introduced to have urgent matters dealt with urgently, but yesterday his leader asked me to agree to debate today a bill that Mr Stefaniak introduced yesterday.

That puts Mr Mulcahy's comments in context. Mr Mulcahy said that I, as Treasurer, have adopted a policy that has never before been used or seen by a Treasurer in the ACT. He says it is outrageous that from time to time governments seek to debate early bills that have been introduced. Yesterday his leader introduced a bill and then asked me to debate it and pass it today. That puts in context the confected nonsense in Mr Mulcahy's contribution to this debate.

There was some time pressure on the Treasury in particular to finalise the administrative arrangements in relation to the implementation of this bill before the end of this financial year, and the government was seeking to relieve that. This is not a controversial matter. It is a quite straightforward matter. It was announced in last year's budget. We were seeking to introduce it before the end of this financial year so that it could take operation.

It was in that context, because of the workload and because of the need for departments to actually have that capacity that the government sought to have this matter dealt with in an earlier time frame. It is essentially non-controversial. It is important. It actually eases the stress and the workload which Treasury face, particularly at this time of the year. These last few months of the financial year are an incredibly stressful time within Treasury as they work to put together and deliver our annual budget. That was the context.

The bill that we are debating is essentially about accountability and transparency and the use of public funds. We all know how fundamental that is to the democratic system of government that we have. The Financial Management Act provides a strong

framework under which we manage the territory's finances, and I think we have a significant track record in relation to that.

I gave some detail in my earlier comments about the purpose of this bill. It is quite straightforward. It is good legislation and I am grateful that it has been supported by both the opposition and Dr Foskey. It will allow us to ensure that we have in place the arrangements that are most appropriate to the development and provision of a strong framework under which to manage the territory's finances. This bill will allow us to much more effectively manage the territory's cash, and I thank the Assembly for supporting it.

**Mr Stefaniak:** Mr Speaker, I—

**Mr Stanhope:** I have just closed the debate.

**MR SPEAKER:** The Chief Minister has just closed the debate.

**Mr Stefaniak:** He has, but I just want invoke standing order 47, Mr Speaker.

**MR SPEAKER:** The debate has been closed.

**Mr Smyth:** He has not put his amendment, has he?

**MR SPEAKER:** That can be done in the detail stage. We will be going to that shortly, Mr Stefaniak.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (12.20): I refer to standing order 47. I heard the Chief Minister refer to a bill I introduced yesterday. It is completely different from this bill. We had been working with the government over a number of weeks, and it was a simple matter. It was my understanding that we actually would be able to have it dealt with today. This is a very different situation, and I wanted to make that point.

**MR SPEAKER:** Order! Mr Stefaniak, it is a misuse of standing order 47 to refer to something that was not raised in your contribution to this debate.

**MR STEFANIAK:** Perhaps standing order 46—

**MR SPEAKER:** It might be a standing order 46 matter which might have been dealt with after this bill has been dispensed with.

**MR STEFANIAK:** I will say it should be dealt with under standing order 46 then. Those are the comments I make.

**MR SPEAKER:** Standing order 46 matters are usually dealt with by leave after discussion of particular motions and so on. So just keep that in mind.

**MR STEFANIAK:** I will. I have made the comment. Thank you, Mr Speaker.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.21): I move amendment No 1 circulated in my name [*see schedule 1 at page 990*].

I table a supplementary explanatory statement to the amendment. The amendment amends subsections (1) and (2) of section 16A to make it clear that eligibility to access this appropriation is based on the accumulated employee entitlement payments made or required to be made by the agency in each financial year. Accordingly those payments are to be dealt with on a cumulative basis and not as an individual payment.

**MR MULCAHY** (Molonglo) (12.22): Just briefly, as I indicated, we are happy to support this amendment since we identified the drafting error. I would like to make it very clear in supporting this amendment to the bill that I requested advice as to whether there was some critical basis of urgency for this legislation, and I was fairly contemptuously disregarded on that. I then asked that the Treasurer be approached by the adviser to give us a further week to look at the matter. My office continued to chase down, and that was dismissed as well.

I do not think it is a good approach. We have now got a new procedure where the DLOs are prevented from coming to briefings. This is the wrong approach. This is not an approach that elicits cooperation, and as long as it continues I will continue to raise my concerns. But we support the bill and support the amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 12.24 to 2.30 pm.**

### **Questions without notice**

#### **Belconnen to Civic busway**

**MR STEFANIAK:** My question is to the Chief Minister and Treasurer. Mr Hargreaves recently announced the cancellation or deferral of a number of projects such as the Belconnen busway and the real-time information system for buses. He also announced a review of the sustainable transport plan released by Mr Corbell in 2004. These projects have cost millions of dollars to develop prior to their cancellation. Were the decisions taken about these projects considered by the cabinet or by Mr Hargreaves alone?

**MR STANHOPE:** This question gives me an opportunity to clarify much of the misleading commentary that has been led by the Liberal Party in relation to issues around the busway. It needs to be understood that the work that the government has done—through ACTPLA and under the stewardship of the minister in relation to the Belconnen busway—was vital in the context of ensuring that we as a community, as a city committed to sustainability, have the capacity, at a time of the government's choosing and budgetary convenience, to construct an efficient, effective and sustainable public transport network throughout the ACT.

This needs to be understood. An example that is relevant to any discussion about the Belconnen to city busway is the work done by the NCDC, as it then was, in the 1960s in relation to the Gungahlin Drive or, as it then was, the John Dedman Parkway. The land on which the Gungahlin Drive extension is currently being constructed was reserved as a road reserve by, I believe, the NCDC in around 1964 and 1965 for the purposes of ensuring that, at a convenient time in the future, land would be available without restriction, impediment or encumbrance to be utilised for the construction of such a road as is now being constructed on that reserve—the Gungahlin Drive extension.

The land was reserved 40 years ago because the planners of the day had the foresight, the energy and the determination to ensure that we planned this city, this pre-eminent planned city of the world. We need to plan. And to plan we need to continue to look to our future needs, and we need to plan and govern accordingly.

The Belconnen busway planning work undertaken by ACTPLA in recent years is vital to the future of this city; vital to the development of an effective and efficient public transport system; vital to the future of our capacity to deal with issues around greenhouse gas emissions and climate change; and vital to the capacity of this city to live within reasonable and sustainable constraints in terms of our future development.

We have not abandoned the Belconnen to Civic busway in any shape or form. The government at no stage has taken a decision to fund the construction of the Belconnen busway. We will not be funding it this year; we will not be funding it next year. But the Belconnen to Civic busway will one day be funded and will one day be built, just as those planners in the 1960s developed a transport corridor for a future road to be known, in their minds, as the John Dedman Parkway.

In other words, when the population to the north of the city, now Gungahlin, demanded or required it, land would be reserved, and a suburb such as Kaleen would not be built on top of it; so that institutions such as the institute of sport would not encroach on it; so that there was a capacity when the day came to build the Gungahlin Drive extension to meet the needs of this expanding city without having to build tunnels, overpasses and bypasses.

Similarly with the Belconnen to city busway, we are planning for the future expansion and growth of a sustainable city committed to showing leadership in relation to climate change and the reduction of greenhouse gas, and of a city around which we have genuine mobility.

What is the difference between this and the work done in the 1960s by the commonwealth in reserving land for the construction of the Gungahlin Drive expressway? The land lay empty, unused and unrestricted for 40 years before the Gungahlin Drive extension was commenced. It lay for 40 years as a dedicated, reserved land for planned transport infrastructure, just as the Belconnen to Civic busway is.

**MR STEFANIAK:** I am still uncertain whether it was done by cabinet or Mr Hargreaves. What discussions did you, Chief Minister, have with Mr Hargreaves—did you have any with him?—before he made these announcements?

**MR STANHOPE:** There was no decision for cabinet to make on the Belconnen-city busway. The Belconnen-city busway and the planning that has been done for it are an exemplary piece of forward thinking and planning by a government that understands its responsibilities to the community.

Explain to me what you would do in future years, as you sought to respond to our climate change, greenhouse gas and public transport needs in relation to busways for the city. You would look back and do what? Would you compulsorily acquire that infrastructure that had been built all over a potential busway? What would you do? Would you build tunnels? I know Mrs Dunne's initial response to the Gungahlin Drive extension was to tunnel completely under O'Connor Ridge. She was prepared to do it in the current circumstance. Imagine if the reserve had not been there for us to utilise.

The commentary that has been made on the Belconnen-city busway was a commentary on: will it be funded and constructed? The answer for this year is quite clearly no. I imagine the answer for next year is quite clearly no. Beyond that, I do not think it is particularly profitable to speculate. Let me say and repeat: I have absolutely no doubt that the Belconnen-city busway will be constructed at some time, at some stage that is appropriate, in the future. It is necessary; it is viable.

The minister and ACTPLA are to be congratulated for undertaking the planning for this first phase of an extended public transport corridor for the people of the ACT. They are to be commended; they are to be congratulated. It was fundamentally important work. I am pleased that it has been undertaken.

There are two questions, though. The first is the need to reserve the land to ensure that infrastructure can be built in an uninhibited and unconstrained way. We now have that capacity, just as we have it as we now build the Gungahlin Drive extension on land reserved by planners such as those that we now have in ACTPLA, developed by a minister such as the minister who developed the Belconnen-city busway project.

It is vital planning, and we need to do more of it. We need to ensure, as we develop this city, that we do not constrain our capacity to look to our future needs. I would have thought any government worth its salt and any community that was concerned about its future would have wanted a government that had the capacity, the understanding and the intelligence to look to the future needs of the city.

We do not want to stay trapped in the past, where you are, without any capacity to look to the future needs of the city. I find mind-boggling this flat-earth approach that is adopted, developed or pushed by the opposition on future planning or transport needs. They stand here and rubbish the notion of planning for a sustainable public transport future, without a single policy initiative or pronouncement on what they would do to seek to ensure a sustainable transport future.

I am happy now to seek a suspension of standing orders to allow you to table your transport policy. Would you like me to give you that opportunity? I am happy to do it. I am happy to suspend standing orders now to allow the Leader of the Opposition to table his sustainable transport policy or a policy of any sort. Let me be more embracing about this: I am happy to suspend standing orders to allow the Leader of the Opposition to table a single opposition policy on transport or anything else. We will be greeted with a very embarrassing shuffle by the Leader of the Opposition.

What we are doing in relation to transport is fundamental to the future planning of this city. We would have been derelict and negligent to not do the work that we have commenced to ensure that in ACTION we continue to develop and refine a public transport system that meets the needs of this city, accepting the extent to which a significant number of Canberrans rely on it now and will rely on it in the future, and accepting that, in order to ensure a genuinely efficient, effective and sustainable public transport network, we need to plan for it. It will not just happen, and it certainly will not happen if you lot ever get your hands on the levers, if this is your attitude to planning for the future. (*Time expired.*)

**Mr Pratt:** You destroyed Humphries's five-year road plan.

**MR SPEAKER:** Mr Pratt, please be quiet.

### **Belconnen to Civic busway**

**MR SESELJA:** My question is to the Chief Minister and it relates to his previous answer. Chief Minister, if the spending of millions of dollars on the busway so far was merely for a long-term land reservation exercise, why was money spent on detailed design and on the marketing of the project?

**MR STANHOPE:** It is interesting, isn't it, how we twist our language to suit a particular circumstance? We have an opposition that is totally opposed to public transport and its provision to the people of Canberra. That is at the heart of the ideological position that is being put in relation to buses and public transport and a determination by this government to support and expand public transport and to ensure a future for sustainable public transport. The work that was done by ACTPLA in relation to the reservation of a public busway or lane from Belconnen is now marketing, not consultation. It was, in fact, consultation but, of course, it is not convenient to acknowledge that the government consulted extensively on the development of a busway, so it is now marketing. We have changed the word. Last week it was "why did you consult?" and this week it is "why did you market it; why did you consult?"

Essentially, the question involves an assertion or challenge that, in the reservation of a major piece of land, extending and stretching from Belconnen, through parts of Belconnen, to the city and through significant parts of the city, including the ANU, we consulted. How shocking—absolutely shocking! The government now stands condemned by the Liberal Party for daring to spend money to consult with the community about the reservation of a major area of land in the territory for public transport. “You can consult on things that are important to us, but why would you consult on public transport, for goodness sake? Why would you consult on public transport?” the Liberal Party asks. We know why the Liberal Party actually belittles the notion of consulting on public transport.

**Mr Pratt:** Four million.

**MR STANHOPE:** We know in our hearts what they think about public transport. We know how little they are prepared to support it and to expand it to ensure that we are serious and genuine in our determination to ensure a sustainable future.

**Mr Pratt:** You couldn't run a chook raffle on a Saturday morning in a shopping centre.

**MR SPEAKER:** Mr Pratt, I warn you.

**MR STANHOPE:** It is simply not credible in the context of a commitment to the importance both socially and in a sustainable sense and as a commitment to climate change not to grapple with the issue of how to ensure that our public transport system is as efficient, effective and, at the end of the day, sustainable as it can be. It is a major challenge to every government. There has not been one government since self-government that could classify itself as having been satisfied with the outcomes that have been achieved in relation to attracting Canberrans to our buses.

If there has been a single issue—and I am prepared to include my government in it—that every government has worked at and, at the end of its time, has looked back at and thought that it probably did not achieve what it would have liked in relation to a policy area, I think public transport probably would lead the list of lots of governments. It is an intractably difficult issue in this town—a town which, because of its history and nature and of its initial planning and structure, is very attractive to the car and the car owner and car lover and which is a difficult environment.

As a result of our geography, as a result of our history, as a result of the demographic, and as a result of our high levels nationally of income, it is difficult to encourage Canberrans to use their public transport system even now, after enormous effort and significant investment, with a significant community service obligation, amounting to over \$1 million a week. Some \$1.2 million a week is the extent of the community service obligation which we invest in seeking to sustain our public transport system and \$62 million is, essentially, the subsidy or the level of community service that the people of the ACT invest in ACTION buses, and despite that only eight per cent of the movements through this city are on public transport, and that is the best it has ever been.

That really is at the heart of the difficulties that every government has struggled with in relation to public transport, and we know how vital it is in the context of sustainability and dealing with greenhouse gas emissions. We know that the biggest issue confronting the world is climate change. We know that we must show leadership. Thirty per cent of our greenhouse gas emissions are from petrol; in other words, from cars. There is an equation there that none of us can avoid, and the primary way of dealing with it is, of course, through public transport. I will not apologise for or recant anything we have done, including the significant work that we have done in relation to planning bus lanes for the future.

**MR SESELJA:** I ask a supplementary question. Chief Minister, who is right, Mr Hargreaves, who says the project has been scrapped and will not go ahead in his lifetime, or you and Mr Corbell, who say that it has not been scrapped?

**MR STANHOPE:** As I have explained, I thought in some detail, in terms that I thought even somebody that was brought up on *Boston Legal* would understand and who takes his legal training from viewing that commercial television, at no stage has anybody said that the planning work in relation to the Belconnen to Civic busway would be scrapped or undone—at no stage and in no sense.

There is a question around the timing of the funding of the project. It is a significant project. It is a project valued somewhere in the order of \$100 million-plus. That is a significant expenditure by a jurisdiction the size of the ACT. In fact, that is essentially, roughly speaking, traditionally the entire capital works budget for the ACT. That \$100 million is about our annual expenditure. It gives some indication of the level of expenditure or investment we are talking about.

There is no doubt that the work that has been done is vital and necessary. It should have been done. Indeed, more work in relation to the reservation of other busways will be done, and it will be done by this government. We will not abandon the commitment to sustainable transport and we will not abandon the need to ensure that we continue to work and nurture ACTION and public transport in the ACT.

One of the most important issues, albeit one of the most difficult issues for government in the ACT, is the issue of encouraging something to which Canberrans have shown enormous resistance, and that is moving from their cars to our buses. It is something we cannot resile from. We cannot give up on it just because it is hard. We cannot give up on it in the way that the Liberal Party has given up on it. We will not give up on it. The Liberals have given up on it because they do not value public transport and, I think, at heart they do not value those that utilise public transport. But we do and we will not give up on it.

### **Public service—credit card use**

**MRS BURKE:** My question is to the Chief Minister. Chief Minister, on Tuesday, 1 May you were asked by my colleague Mr Seselja about an instance where a named employee within the ACT government had made two cash advances on a credit card in the 2005-06 financial year. Despite making a statement after question time yesterday, Chief Minister, you have still failed to provide any detail about these cash

advances. Why have you been unable to explain why an ACT government employee found it necessary on two separate occasions to make cash advances on their credit card, a practice that is only allowed under very exceptional circumstances by the territory's own guidelines?

**MR STANHOPE:** Thank you, Mrs Burke. I am grateful for the opportunity to expand on issues in relation to credit card use. The difficulty, of course, is that the opposition, in their questioning on this, drop numbers and descriptions by reference to "example A" or "example B". There are thousands of credit card transactions a year in the ACT public service. I must say that I do not brief myself on these things. These are issues that are delegated to departments, delegated to chief executives and delegated to senior executives. But you stand up in this place and ask a question without notice about a credit card transaction that is one among thousands and then deride me because I cannot say, "Oh, yes, I remember that credit card transaction. I remember that one. That was credit card transaction 2,035 in a list of 7,000 and I have memorised them all." Of course I do not have access to credit card records. Why would I have? These are functions delegated to departments and to chief executives.

We have rigorous processes in place. The Auditor-General, as recently as February this year, has reported that our systems are essentially very sound and work well. Indeed, we see that in the issues that you have been raising. In every one of them where there was an irregularity it was an irregularity identified as a result of the systems in place. The Auditor-General recorded no instances of fraud in relation to the issues that you have raised. In fact, she commended the government essentially for the processes that have been put in place.

Post the Auditor-General's report, I asked for assurances from each of my chief executives. As a result of that, several separate agencies initiated internal audits that have confirmed the findings of the Auditor-General's report. I think there are in total four irregular transactions, of 4,000 or so. I do not know the number; I am saying thousands but I do not know how many thousands—I think four. Let us work this out as a percentage. I should do that. I will ask my department to work out what percentage those four or five irregular transactions would be. We are talking here of about 0.00 something of a per cent being irregular.

I have expressed my serious concern about that. I have expressed my serious concern that at chief executive or senior executive level there were instances of an inappropriate use, a mistaken use or, as I said, a slack use of a credit card. They involve, in the most severe example, an amount of \$300, which was recognised by the officer in charge 20 days after the transaction and addressed immediately. The other example involved a total of \$90, which was addressed four weeks later, immediately it was noticed in statements, and the other case I think involved a few dollars.

In relation to the cash advances, there are guidelines. The guidelines provide that a cash advance is appropriate in limited circumstances; namely, in relation to overseas travel. The two examples that you referred to that I have been able to identify involve cash advances by the chief executive or the then chief executive of the Chief Minister's Department in relation to a trip to China and a trip to the United States of America. I am advised that the cash advances were 100 per cent in accordance with the guidelines, were appropriate, related to overseas travel and that there is absolutely

nothing untoward about those two cash advances. That is the advice that I have received about the two cash advances. They were cash advances taken by the then head of the Chief Minister's Department—and you know who that is—and they related in the first instance to a trip to China and in the second instance to a trip to the United States of America.

**MRS BURKE:** Mr Speaker, I ask a supplementary question. Chief Minister, why, despite repeated questions from the opposition, are you still unable to assure the people of Canberra that all expenditure, including use of credit cards and cash advances, by the ACT government produces a tangible benefit on their behalf? You have not answered the question yet. What benefit?

**MR STANHOPE:** In other words, do I believe in motherhood?

**Mrs Burke:** No, I don't know if you do or not. What benefit to the taxpayer? It is a simple question.

**MR STANHOPE:** I will answer this question. Over the last couple of days I have been asked what tangible benefit there has been in relation to this matter. The Deputy Chief Minister answered a question yesterday in relation to tangible benefit. The tangible benefit was in relation to a capacity of officers within the ACT service, however described, to investigate and assess what we regard, believe and hope is world cutting edge technology in relation to the purification of water—a system which, as a result of that trip, our officials were satisfied was appropriate and is now, at this very minute, being installed at Mount Stromlo. Once again, this is part of far-sighted, anticipated planning work by the ACT government and its instrumentalities.

I will not do so, but if you want me to go through every single—

**Mrs Burke:** Well, it is what the taxpayer deserves.

**MR STANHOPE:** The taxpayer does not deserve me to waste thousands and thousands and thousands of dollars of resources in pursuing an explanation in relation to every expenditure of public moneys by credit card. Do you want that explanation in relation to every expenditure by perhaps some other funding process that does not involve a credit card or do you just want that explanation in relation to the thousands of transactions—for instance, the thousands of occasions or opportunities in which a credit card, as a matter of convenience, was used to pay, say, for a \$15 morning tea meeting—that produced a tangible outcome?

Do you want me to actually achieve or seek a record of every conversation or meeting that was conducted over a cup of coffee, through a working lunch or at a conference? Do you want me to provide something like “Oh well, this official attended this conference at a cost of \$1,200, including accommodation and airfares, et cetera; this particular official at this conference learnt this and this and this; and this, of course, provides a tangible benefit in terms of that officer's understanding and education”? The question is puerile. There is a myriad of reasons why credit cards are utilised. The most significant reason is to pay for airfares, transport and meals whilst travelling. Of all the examples of credit card use, the most significant in terms of quantum and number are, of course, to pay for tickets.

Mrs Burke has just asked me will I please say that every credit card transaction led to an identifiable tangible benefit to the ACT taxpayer. In other words, when I utilised perhaps a credit card to purchase transport to attend Audrey Fagan's funeral, there was a tangible benefit. In other words, when an official attended a conference to deliver a paper to expand the common knowledge or understanding of a particular issue or practice in the ACT, there was a tangible benefit to the ACT. You want me to expend hundreds of thousands of dollars in administrative time and expense to prepare a tangible benefits report in relation to every—

**Mrs Burke:** The taxpayer deserves—

**MR STANHOPE:** Mrs Burke says the taxpayer deserves me to provide for a tangible benefits report every time a credit card is utilised. Well, that is bunkum and, of course, I have absolutely no intention of doing that. I cannot possibly be expected to answer today in relation to the hundreds of credit card transactions. You might say, "Here is a credit card transaction, Chief Minister, dated 15 November 2005 involving a lunch which Mr Zissler attended. What was the tangible benefit of that lunch?"

**Mrs Burke:** Take it on notice and tell me what the benefit was. Well, what was it?

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

**MR STANHOPE:** Mrs Burke, I was joking. I was being facetious. I give up. I will get a tangible benefits report for Mrs Burke on Mr Zissler's lunch on 15 November 2005. What a joke!

### **Schools—closures**

**DR FOSKEY:** My question is to the minister for education and concerns the impact of the closure of the Tharwa primary school. What savings have been delivered to the ACT government through the relocation of ex Tharwa school staff and students and the reduced costs of maintaining the Tharwa school grounds and building?

**MR BARR:** The answer to Dr Foskey's questions is: those savings that were outlined in the budget in 2006-07.

**MR SPEAKER:** Supplementary question?

**DR FOSKEY:** Thank you very much.

*Opposition members interjecting—*

**DR FOSKEY:** Apart from the fact that the fridge is still going. Can you provide the Assembly with a breakdown of the ongoing costs of all the schools that were closed at the end of last year and of savings to date? And, please, I want figures this time.

**MR BARR:** Those properties that were transferred from the education department to the Department of Territory and Municipal Services are no longer within my responsibility. Where—as is the case with Tharwa—we are still operating a preschool

off the site, there are some costs associated with that. I am happy to provide the level of information that resides within the Department of Education and Training. However, the detailed level of information that I think Dr Foskey is seeking in fact refers to the ongoing costs that might be associated with the Department of Territory and Municipal Services.

**Dr Foskey:** No, education.

**MR BARR:** Only education? There are no costs to the education department from any of the buildings that have been transferred to the Department of Territory and Municipal Services.

### **ACTION bus service—safety and security review**

**MR PRATT:** My question is to the Chief Minister. In light of the knife attack in early March 2007 on a supervisor at the Civic bus interchange, a serious assault on a transport officer at the Woden interchange in April 2007 and the ongoing safety and security issues faced by ACTION drivers and supervisors, can you confirm that you met with a delegation of union representatives of ACTION as long ago as 27 July last year and that subsequently a review of safety and security was commissioned?

**MR STANHOPE:** I thank Mr Pratt for the question. This is a very important issue and one of great concern. Before responding, however, I thank Dr Foskey for asking a question on education. It is now May 2007, the fifth month of this year, and the shadow minister for education has yet to ask a question in the Assembly on education. I thank Dr Foskey for her interest.

**Mr Pratt:** On a point of order: relevance to the question.

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

**MR STANHOPE:** It is interesting that five months into the year we are yet to have a question from the opposition on education.

**Mr Mulcahy:** On a point of order: come to the subject matter.

**MR SPEAKER:** Remain with the subject matter, Chief Minister.

**MR STANHOPE:** Thank you, Mr Speaker, I will. It is a very serious matter. Yes, I met with the Transport Workers Union. I would have to check the date, but I have no reason to dispute it was in about July last year. I meet regularly with the Transport Workers Union. Since that time, and prior to that, I have met them on numerous occasions. Yes, I met them on that occasion. Issues of safety were raised. I have also met them on numerous other occasions since then and prior to that, and will continue to do so.

I was pleased at that particular meeting to be able to inform the Transport Workers Union of the decision that the government had taken, which was reflected in the last budget, to ensure, through a significant capital investment, that a security camera would be placed and provided for every single ACTION bus in the Australian Capital

Territory. I also indicated at that meeting that the government would expand its network of security cameras. That is a project which continues.

There is no doubt that there have been a couple of serious incidents. I do not know the detail of those. Mr Hargreaves, as the minister, would have been able to assist you with more detail than I can on the precise nature and outcomes in terms of precipitation of the review of the incidents and the extent to which there are issues which need to be addressed. I take this issue particularly seriously. There is an important need for us to ensure that the security cameras which we have ordered and which are in the process of being installed—at this stage I understand that something in the order of 20 per cent of our bus fleet has had security cameras installed—are installed. Over the next few months the entire fleet will have a security camera on board.

We are also expanding our network of security cameras. There is, however, some urgency about the need to ensure that the working places of our ACTION staff—not just the drivers but supervisors and others—are secure and that we have done everything we can to ensure that those workplaces are as safe as possible. It is completely and utterly unacceptable that any person—not just ACTION staff or public employees but every Canberran—does not have a right to security and safety and to feel secure and safe. We should not discriminate as to when.

The fact that we have employees now exposed to the incidents and the injuries that have been experienced in recent times by a number of our ACTION staff is reprehensible and totally unacceptable. The government will do all that it possibly can to ensure that the working places of our staff are as safe as they have a right to expect them to be.

**MR PRATT:** I correct for the record that the knife attack was at the Woden interchange, not the Civic interchange. Chief Minister, is it not true that the CCTV cameras are essentially focused on buses as a bus management tool rather than for surveillance and safety of the shelters and the offices? Why has your government failed to acknowledge the concerns brought to you by the TWU? When will the recommendations of the review into safety and security for ACTION employees be implemented? Will you table the review thus far?

**MR STANHOPE:** The security cameras were installed and are being installed in ACTION buses. The decision that was taken to install the security cameras was entirely for the purpose of seeking to ensure the security—

**Mr Pratt:** Inside the bus?

**Mrs Dunne:** Or the ones at the interchanges?

**MR STANHOPE:** I will answer the question. I understood from the question that you were suggesting that the security cameras that were installed on the buses were not there—

**Mr Pratt:** No.

**MR STANHOPE:** I am glad to hear that. I misunderstood your question, Mr Pratt. Thank you for the clarification. Let me assure you that the security cameras are solely and entirely for the purpose of ensuring security. That is the case with those at the interchange.

Mr Pratt, I will have to take the second part of your question on notice. I regret, as the stand-in minister today, that I am not across the issues you have raised. I have heard your question. I will respond to it. I trust you will allow me to take some advice and briefing on the issue you have raised. I will respond to it.

**Mr Pratt:** What about the report?

**MR STANHOPE:** I will have to take advice on that, too. It is something that I am not particularly familiar with. I will take advice and respond to you fully.

### **Disability services agreement**

**MR GENTLEMAN:** My question is to the Deputy Chief Minister and Minister for Disability and Community Services. Minister, the existing Commonwealth State Territory Disability Agreement expires on 30 June this year. Could you update the Assembly on the progress in negotiating a new agreement?

**MS GALLAGHER:** I thank Mr Gentleman for the question and for the opportunity to update the community on negotiations for the next Commonwealth State Territory Disability Agreement. Mr Gentleman is right in the sense that the current CSTDA 3 expires on 30 June this year. Unfortunately, from the negotiations we have had thus far, it appears that we will not have a replacement agreement in time to replace the CSTDA 3 when it expires half-way through this year.

This is a critical agreement for the ACT, particularly for members of our community and their families who receive assistance under the CSTDA. It is an opportunity, we believe, for the ACT to lobby very strongly for increased resourcing from the commonwealth, not just putting our hand out to the commonwealth for more money, but seeking to address some of the inequity that exists in the funding agreement with the commonwealth, specifically in relation to the ACT.

At the moment we receive 17c in every dollar from the commonwealth, so it is about an 83 per cent funded system from the ACT government and 17 per cent from the commonwealth. This is, next to Victoria, the lowest arrangement in the country. The national average is around 26c in the dollar. So we are already being short-changed about \$4.5 million a year.

**Mrs Burke:** Have you satisfied the expenditure, though? Is that the problem?

**MS GALLAGHER:** It is quite a complex area in terms of trying to work out responsibilities. Certainly from my point of view, the ACT government has invested, I think, an additional 38 per cent across the current agreement to what was required under CSTDA 3 just to meet some of the needs in our community. Part of that is the result of the inequity that we receive from the commonwealth compared to every

other jurisdiction bar Victoria. I think South Australia gets 43c in every dollar from the commonwealth; the ACT gets 17c. If you do the maths, you can see that the ACT gets a rough deal. This has an impact on the communities for which we strive to provide service.

There was a Senate report—the committee was chaired by our local senator, Senator Gary Humphries—into the CSTDA. That was a unanimous Senate report tabled in February this year. The report made a number of recommendations, one of which was to address the inequity that exists in the current agreement and, more importantly, to urge all jurisdictions and all governments to commit additional funding to address the already known level of unmet need for disability services.

The ACT government supports Senator Humphries's report. I have had a conversation with him and told him that it is a good report. It was a unanimous report, which is surprising, but the commonwealth has not picked it up. That is unfortunate for Senator Humphries but also very unfortunate for the ACT. It means that the commonwealth is not prepared to act on the recommendations of that report and is not prepared to address the inequity that exists here in the ACT. It is not prepared to provide any growth money. It is not prepared to talk about demand for services. It is only prepared to index the agreement at 1.8 per cent, which is—

**Mrs Burke:** Have you pushed them hard enough?

**MS GALLAGHER:** Have we pushed them hard enough? Yes, we have. The answer was no.

There is an opportunity for the Assembly to unite on this and for the Liberal opposition to support their local senator and the ACT community and lobby to address the inequities that exist for the ACT in the area of disability services. If we were to get what we should be getting under the next CSTDA 4, the ACT should receive an extra \$11 million from the commonwealth. Can you imagine what that would do for the level of unmet need in our community for people with a disability?

In the last four budgets we have already provided over \$12 million to address some of this unmet need in our community. It is not enough. The parents I meet with, the families I meet with who are begging for services deserve a response and they deserve a good CSTDA 4, one which is adequately resourced by the commonwealth.

**MR SPEAKER:** Supplementary question, Mr Gentleman?

**MR GENTLEMAN:** Thank you. Minister, you mentioned the ACT government's investment. Can you update the Assembly on the amount that the ACT government has invested in disability in recent years?

**Mrs Burke:** She just said that.

**MS GALLAGHER:** I've got more. There is quite a bit more to talk about here. I notice that members of the opposition are very quiet. They actually agree with me that we should do the right thing on disability services. That does mean that both

governments have to deal with the level of unmet need, growth and demand and we have to adequately index the sector.

This is an expensive sector. It is like the health sector. It cannot be indexed at 1.8 per cent and hold its ground. Indexing at 1.8 per cent means that you are actually cutting services on the ground. The ACT government does not fund at 1.8 per cent. The ACT government indexes at 3.7 per cent. We recognise that indexation needs to be higher in this area.

This is an area where we cannot act alone. We already provide 83 per cent of the funding in the disability sector. We do almost the worst out of any jurisdiction—17c in the dollar. I think Victoria is 16c in the dollar, so it is slightly worse off. We have committed an additional \$12 million over the last four budgets, which is well above what we were required to do under CSTDA 3.

According to the report on government services, our expenditure on disability services is just above the national average expenditure on disability services. We have started new services in the community sector. In particular, a new person-centred day-option community service is being established on the north side of Canberra—that started late last year—at just under \$2 million over four years. We have provided more resourcing for children and adults who have high and complex needs.

But I meet family after family who are requiring more support. This is not just more people with a disability in our community. It is people with acquired brain injury who are living because of improvements in medical intervention, whereas in years past they would not have lived. It is because our community is ageing and elderly parents who have previously been looking after their children, perhaps for 60 years, are getting too old and need someone to come in and provide support to their family. At the moment Disability ACT is providing about \$1.6 million a year in emergency support that is not recurrently funded, for cases that are coming onto our doorstep and people that we need to provide support to.

This is a system that is just holding together. This is despite the large increases from the ACT government. What we want under CSTDA 4 is a fair deal from the commonwealth. We want to have our equity issue addressed. We need a conversation about unmet need. We need a conversation about growth. And we need to make sure that, when we are indexing our agreements, they are indexed at a rate that will not require services to reduce their service based on their indexation growth, even though it would be a cut.

These are tough issues. That is why the ACT government has not agreed to the offer that is on the table from the commonwealth. We will not agree while the deal is as bad as it is. If we agree to the deal today—basically, indexation at growth—we are dudding the ACT community out of what we should rightly get from the commonwealth, which is about an additional \$10 million a year.

I look forward to the support of the opposition in lobbying for this extra money. I know that Senator Humphries is behind us. He chaired the committee that called for this. It is about time that those opposite—I think the disability shadow minister is Jacqui Burke—get behind us on this issue and lobby for it as well.

This is a serious issue for vulnerable members of our community. The ACT government needs the commonwealth to hold up their end of the deal. It is not even a fifty-fifty matching arrangement. It is not even what the commonwealth require us to do in every funding agreement—match what they put in. This is about getting an 80 to 20 share happening instead of what is occurring at the moment.

### **Arboretum**

**MRS DUNNE:** My question is to the Chief Minister: In June 2005 you said in relation to the arboretum:

It will be something that generations of Canberrans to come will visit and view with enormous pride. It is something that will, in time, attract, of itself, significant numbers of tourists to the ACT.

In the last ACT budget, spending on the arboretum was whittled back significantly, meaning that it will take even longer before the arboretum attracts tourists. The drought notwithstanding Chief Minister, when can the people of the ACT expect to see a return on your significant investment on their behalf into an arboretum?

**MR STANHOPE:** In the context of your determination not to ask questions on education, I am pleased at least—

**Mrs Dunne:** You saw the quality of the answer that Mr Barr gave to Dr Foskey.

**MR STANHOPE:** I was just reflecting: I think the last time was December last year.

**MR SPEAKER:** Order! Come back to the subject matter of the question.

**MR STANHOPE:** The last question by the opposition on education was December last year. I think we need to reflect on that.

**Mr Mulcahy:** Mr Speaker, I rise on a point of order.

**MR SPEAKER:** Order! Come back to the subject matter of the question.

**Mr Pratt:** You're a naughty boy, Jon.

**MR SPEAKER:** Mr Pratt, do not tempt me. You are on a warning.

**MR STANHOPE:** There is a potential educational aspect to the arboretum, in addition to the tremendous benefits which the arboretum potentially presents for tourism. There are a number of aspects or potentialities in relation to the arboretum that should be acknowledged and, over time—subject to subsequent funding decisions that might be made—might be achieved; and I hope are achieved. I hope for the sake of the territory that they are achieved.

I believe strongly that, in time, the arboretum has the potential—if developed appropriately; if funded by subsequent governments—or the capacity to compete with

major iconic tourist attractions as an attractor to the Australian Capital Territory. I believe it has the potential. If one has visited another arboretum or another significant international gardens, one would not dispute this. It has the potential to compete with the Australian War Memorial, the national museum or the gallery as a significant attractor of tourists and people to the Australian Capital Territory.

One has to have the capacity to imagine the future or the possibility of the arboretum. If you do not have that capacity to see a vision or to imagine a future—or indeed to perhaps invent a future—then you will not understand what I am trying to say.

In the context of what I know of arboreta around the world and of major international gardens—and indeed major gardens in Australia—I am adamant and convinced that the planning and vision reflected in the plans developed for the arboretum, if ever achieved, will ensure, guarantee, that the arboretum will, in that event, be as successful in supporting tourism and visitation to the territory as any of the other major attractors.

It is important—in the context of the development of tourism and of the Australian Capital Territory as a tourism destination—that we continue to invest in what might rightly be regarded as tourism infrastructure. The glassworks is a good example. At the moment, we are almost at the end point of a major almost \$14 million investment in a restoration of the Powerhouse to develop—as a major piece of tourism infrastructure—the glassworks.

**Mr Smyth:** It was a good initiative in our last budget, wasn't it? Good omission. The money was there.

**MR STANHOPE:** The old “gunna” government—“Oh, our initiative.” You would never have funded it—just as you never funded the library; just as you never funded anything. The glassworks is a fantastic initiative of this government. It is a major piece of tourism infrastructure that we have developed and that we, in three weeks time, will willingly present to the people of the ACT as a major investment in the arts. It is the most significant investment in the arts since self-government. It is a major investment in tourism infrastructure.

In relation to the arboretum, members would be interested that at a breakfast that I attended this week, I had a conversation with a number of senior members of the Tourism Industry Council in the ACT—Alan Williams and David Marshall—and representatives of the Australian Hotels Association and of the convention bureau, all of whom have agreed to meet me in the next couple of weeks to discuss investment in tourism infrastructure, and specifically the arboretum.

This is another interesting example—we saw it earlier today in relation to the busway—of an opposition with no capacity to think to the future; to exhibit any vision or any commitment to this community. These are major projects—the glassworks, the busway, the arboretum—for the future, and I am proud of them.

**MRS DUNNE:** I have a supplementary question, Mr Speaker. Why, seeing that this is now an if and desperately on the never-never, have you already committed this

amount of funds to the project? And when will this project come to fruition—in your lifetime?

**MR STANHOPE:** It probably depends on how long I choose to stay as Chief Minister—whether it is 10 or 12 years. I take some guidance from the Prime Minister of Australia on some issues. I turned 56 last Sunday. It is interesting that amongst the many things I share with my colleague the minister for education is a birthday—some years apart, of course, but Mr Barr and I share 29 April as a birthday. There is a difference of 22 years between the great dates, of course—and it is difficult to tell who came first.

*Opposition members interjecting—*

**MR STANHOPE:** I have lost the thread here now—in my lifetime. I turned 56 and I feel as fit and as motivated as ever. I think I have another good 10 or 12 years in me. That would get me through to 2019. I would think, Mrs Dunne, in response to your question, that it is quite possible that before I give up as Chief Minister, before I hand the reins to Ms Gallagher in 2019, the arboretum will be a reality at some stage of its development. It is a continuum; it is a lifetime project. I visited the national arboretum in Washington a couple of years ago. It has been in the making and the development—it is a work in progress—and I believe it is over 100 years old. So this is the nature of arboreta. I understand that the national arboretum of the United States of America, located in its national capital, Washington, is one of which the people are enormously proud.

It is interesting to compare the position on and attitude of the opposition in this place to an arboretum. In Washington is located the United States of America's national arboretum. It is embraced by the people of Washington. It is loved by the people of Washington. It is a significant research facility for the research institutes of the whole of the United States of America. It is a significant part of the capacity of the United States of America and its research institutions in relation to issues such as climate change, to monitor, investigate and research issues of increasing significance over the coming century in relation to the impact of climate change on our environment—a role which our arboretum could play.

What interests me is the extent to which the Washington community has embraced its national arboretum. It has embraced it; it loves it. It is fantastic. It is a work in progress. It has been under development for well over a century. They are still investing in it, still improving it and still shaping it, and it is an adornment not just to the national capital of the United States of America but an adornment and a credit to the people of the United States of America that they did not have this genuflecting sort of abhorrence of anything new or visionary or that might take some time to achieve. And, of course, it was prepared and understood inherently that, in order to achieve a long-term result and an economic benefit, one has to invest and to nurture the investment.

An investment in an arboretum is fundamentally a very sound investment, and we have commenced the process, just as the national arboretum in Washington was commenced, I think well over 100 years ago. Successive governments over that

century have continued to invest in it, continued to grow it and continued to support it and it is now, of course, one of the wonders of the world.

### **Sustainable transport plan**

**MR MULCAHY:** My question is to the Chief Minister. Chief Minister, the sustainable transport plan has been set aside for review by your new minister. One part of that plan states:

Transport in the ACT contributes approximately 24% of total greenhouse gas emissions and is projected to grow strongly over the next ten years.

How much will the review of the sustainable transport plan cost and is it appropriate that this cost, created by your whim for a ministerial reshuffle, be borne by the taxpayer?

**MR STANHOPE:** I am not aware of the context or the nature of any such statement or proposed review that the minister may be contemplating. I am aware, of course, of his comments, but I have not discussed with him his intention or seen the context in which he made the comment or remark that he did. It is quite reasonable that any avenue of government administration or policy development be kept under review. I do not think that it is a heinous crime for a minister to suggest that he might review a government policy. For an incoming minister, I think that it would be only appropriate that he actually do that or at least seek to assure himself that he is familiar with, understands and is committed to every detail and that it is working appropriately and will achieve the policy outcomes that the government anticipated or hoped for it.

To that extent, there is no further information I can provide to the member at this time in relation to that. I do not think that it is particularly remarkable. But let me say that this government is absolutely committed to a sustainable future, to a sustainable Canberra, and showing the leadership that is required in relation to addressing greenhouse gas emissions and climate change. Of course, that is a determination in sharp contrast to that of the only Liberal government in Australia; namely, the national Liberal government, which is led by someone who now describes himself, I think, as a climate change sceptic but who is, in fact, a climate change denier whose response to the need for leadership in relation to the most significant issue facing the nation is to commit the nation to nuclear power.

**Mr Smyth:** I take a point of order, Mr Speaker. Under standing order 118 (b), the minister cannot debate the subject. He also must be relevant to the question, which was about greenhouse gas emissions from vehicles in the ACT and the sustainable transport plan.

**MR SPEAKER:** I think that greenhouse gas emissions have something to do with climate control.

**MR STANHOPE:** We can understand why Mr Smyth and the Liberal Party in this place are sensitive about the federal government's abandonment of any commitment or leadership in relation to climate change, because they have none. As I said, the only Liberal government in Australia has responded to the most significant and serious

issue facing the world by, essentially, committing the nation to nuclear power generation. That is its response.

**Mr Smyth:** What is your response?

**MR SPEAKER:** Order, Mr Smyth!

**MR STANHOPE:** That is his leadership: refusing to show any commitment to issues around emissions trading and the enormous work that has been undertaken by the states and territories on the most significant initiative that we all know needs to be pursued by Australia.

**Mr Smyth:** Six years.

**MR SPEAKER:** I called you to order, Mr Smyth.

**MR STANHOPE:** The most significant initiative that can be pursued, embraced, adopted by any nation, including Australia, is the creation of an emissions trading scheme, something which the Prime Minister, the Liberal Party and the federal government have absolutely doggedly, stubbornly, refused to contemplate or accept out of some sort of ideological commitment to I do not know what, but as part of its overarching denial of the reality of climate change. The states and territories have embraced it. That is what we have done. I have worked with the states and the Northern Territory to create and develop an emissions trading scheme which we are intent on implementing, with or without the commonwealth by 2010.

I think that it is an indictment of the federal government's position or attitude to climate change that it is refusing to work with the states and territories on a national approach and a national response to climate change, but we are not. We are working with the states and territories. We are committed to the implementation of an emissions trading scheme by 2010, as I say, with or without the commonwealth. It would be far more productive if it were with the commonwealth because of the important role that it would play in relation to such a scheme and, indeed, the difficulties inherent in the states and the territories being forced to go it alone. So that is what we are doing.

It is to the eternal shame of the commonwealth and the Liberal Party in Australia that it has been left to the Labor parties and the Labor governments of Australia to fill the vacuum left by your sorry abandonment of this particularly important issue. We are, as you know and as I have reported fairly regularly, in the process of finalising a climate change strategy. That is something which we will finalise shortly and which we will devote ourselves to implementing.

**MR MULCAHY:** I ask a supplementary question. Chief Minister, now that the sustainable transport plan has been set aside for review, how is your climate change strategy going to deal with the issue of greenhouse emissions caused by transport in the ACT?

**MR STANHOPE:** The sustainable transport plan has not been set aside. It is alive and well, as is the work which the ACT government has done in relation to climate

change. We are the only party in this place that has shown a commitment to dealing with the issues of sustainable transport. As I said earlier in response to a question, just under 30 per cent of our emissions are as a result of or in response to petrol. We need to do something about public transport. That is why we have undertaken some of the work that we have in relation to enhancing the capacity of public transport to operate efficiently and effectively and in a sustainable way within this territory.

That is why we have not adopted the flat earth approach that you have, the back to the past approach—let us just devote ourselves to the car and ignore public transport and the needs of people who utilise public transport; let us put them aside as expendable, a disposable part of our community, not part of our constituency, not somebody we are concerned about or care about and devote ourselves exclusively and divisively to the motor car. This is the Liberal Party mantra: motor car, motor car. Let us ignore public transport. Let us ignore the need for a sustainable transport plan. Let us slavishly and sycophantically follow the Prime Minister in relation to his ignoring the reality of climate change.

It is to your shame as a party that none of you have had the gumption to stand up to your Prime Minister and say, “Prime Minister, you are wrong on Kyoto. Prime Minister, you are wrong to insist that climate change is not a reality.” None of you have the guts to stand up against your own party and your own leader, who has led you down this path of climate change denial. History will look back on this last decade and it will recognise two things about the Liberal Party in Australia. The first is that it ignored the most important issue facing the world, namely, climate change and, secondly, that it exacerbated the second most important issue facing the world, namely, terrorism. You ignored one and you are responsible for the other.

*Opposition members interjecting—*

**MR STANHOPE:** There is not a serious commentator in Australia that denies that your actions as a party and as a government federally have made Australia less safe than it was. There were a few right wing commentators that bleated away four or five years ago, but they have all scuttled off into the shadows now. Not one of them is out there now saying, “This was a great thing we did. The invasion of Iraq actually made us all safer.” There is not a serious commentator in Australia, or indeed many Australians left other than the Liberal Party, who thinks that you, with your slavish following of the Americans into Iraq, have made Australia a safer place. You have not, and you know it.

### **Rhodium Asset Solutions Ltd**

**MR SMYTH:** My question is to the Chief Minister and Treasurer. The Territory-Owned Corporations Act requires a territory-owned corporation to provide to the voting shareholders each year a draft statement of corporate intent. This statement must then be finalised within two months of being presented to the voting shareholders. Why didn't you and your fellow voting shareholder agree to the draft statement of corporate intent that was provided to you in April 2005 by the board of Rhodium Asset Solutions?

**MR STANHOPE:** We decided to take some further advice on it at the time.

**MR SMYTH:** You did not approve it; fine. Chief Minister, to what extent has the decision of the voting shareholders—you and the Deputy Chief Minister—not to comply with the Territory-Owned Corporations Act led to Rhodium incurring a loss of \$856,000 in the 2005-06 financial year?

**MR STANHOPE:** Not at all.

### **Education—policy**

**MS PORTER:** My question is to the Minister for Education and Training, Mr Barr. As Mrs Dunne is not interested in education, I thought I had better ask a question about education. Minister, can you update the Assembly on the recent report released by the states and territories, entitled *The future of schooling in Australia*?

**MR BARR:** I thank Ms Porter for her third question this week on education and for her longstanding interest in education. The Adelaide Declaration on the National Goals for Schooling in the 21st Century was agreed by education ministers in 1999. This declaration committed all Australian governments to a national framework for schooling and for achieving the best outcomes for students.

Members may be aware that the first meeting of the Council for the Australian Federation, made up of the state premiers and territory chief ministers, was held in October last year. That council concluded that “the Commonwealth has abandoned the spirit and intent of the Adelaide declaration”. Having experienced two ministerial council meetings with Julie Bishop, I cannot but concur with the views of the Council for the Australian Federation.

*Opposition members interjecting—*

**MR BARR:** Because our side of politics always likes to put forward positive ideas and a positive policy agenda—

**Mrs Dunne:** Like the one that Kate Lundy voted for at the last federal council.

**MR BARR:** first ministers undertook to remain focused on achieving the best possible outcomes—

**Mrs Dunne:** No funding for government schools.

**MR SPEAKER:** Order, Mrs Dunne!

**MR BARR:** Because our side of politics is the only side of politics prepared to put forward a positive policy agenda on education, first ministers undertook to “remain focused on achieving the best possible outcomes for Australian children and their families by concentrating on the common objectives of all Australian governments”. The council agreed to “review the Adelaide declaration to ensure that it continues to provide the best possible framework for the education of our children”.

The council's report was released last week, on 24 April. *The future of schooling in Australia* sets out a comprehensive vision for how we will work together across the country to help students and parents. *The future of schooling in Australia* emphasises the importance of collaboration across the states and territories to achieve national consistency. It also emphasises the importance of focusing on fundamental disciplines. This focus on traditional disciplines will ensure a comprehensive, well-rounded education for all Australian students.

The report has an action plan to tackle the important education issues that face all states and territories, and the plan commits the states and territories to work towards a national curriculum. We have, as I have indicated before in this place, rejected the Howard government's heavy-handed approach to creating a national curriculum. But we will work together to set core content and achievement standards. The states and territories have also committed to measuring student performance in a meaningful way across the country. We will work together to ensure that high-quality national tests are developed.

States and territories have committed to reporting on performance in a clear and effective way. This commitment extends to reporting on performance at the individual, school and system level. We are also committed to developing a culture of high performance and continuous improvement in Australian schools. We recognise that school leaders have a major influence in this regard. We are going to undertake a review of school leadership programs across Australia, and look at overseas experience, to develop guidelines to promote best practice.

We have also committed to promoting a national framework for professional standards of teaching. States and territories have also committed to reducing red tape and have called on the Howard government to do the same. We are planning to convene a national forum to showcase best practice across Australian states and territories, which will cover government, Catholic and independent schools.

Mr Speaker, I am sorry to report that those opposite have had nothing to say on any of these major issues. Five months have passed since the last time the opposition asked a question on education in this place. The shadow minister said she will not waste her time. Well, there we go—she is not interested in hearing about the future of education in this territory and this country. Time after time major issues have come forward. This has been a major national debate on national testing, on national curriculum, on a common year 12 certificate, on performance based pay for teachers, on greater autonomy for principals, on workforce planning within the teaching profession. We have heard nothing—not a single thing—from the opposition.

The government has come forward with a series of policies. We are leading national debate on national testing. We have taken a leadership role in the development of a national curriculum. This jurisdiction is the first to have a government and non-government system working together for a new curriculum framework. We are leading the nation in education provision, and it is something that this government is very proud of.

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

## **Supplementary answers to questions without notice**

### **Emergency services—Cooleman Ridge plan**

**MR STANHOPE:** Dr Foskey asked a question yesterday about Cooleman Ridge and what arrangements were in place for the outcomes of the consultation process to be reported to the government. I have some further information on that issue. Cooleman Ridge is currently going through the planning phase for proposed works to reduce fuel loads, as required by the strategic bushfire management plan. Cooleman Ridge is designated land under the national capital plan and the proposed works require approval from the National Capital Authority. Cooleman Ridge also includes communities and species listed under the commonwealth's Environment Protection and Biodiversity Conservation Act, and approval for the proposed works is also required from the commonwealth Department of the Environment and Water Resources.

The ACT Department of Territory and Municipal Services has engaged a consultant to develop the planning documentation required to seek the necessary approvals. I can confirm, Dr Foskey, that the current consultants are not engaged to undertake any of the activity that might follow consistent with the strategic bushfire management plan. The community were informed through local media of two community consultation forums to inform them of the proposed works and to discuss any concerns. Issues raised by the community will inform the works approval and environmental approval documentation that will be submitted to the National Capital Authority and to the commonwealth Department of the Environment and Water Resources and that documentation is being prepared by the consultant that I just mentioned had been engaged.

### **Schools—closures**

**MR BARR:** In question time today Dr Foskey asked me about savings that were achieved from the school closures program. I indicated in my answer that those were outlined in the 2006-07 budget. That is incorrect. I should have advised that they were those that were outlined in the 2006 budget, modified by the decisions that we made at the end of December, so that the savings were those that were outlined in my announcement to the Assembly in late December.

I should, of course, advise also that the money that has been saved is being reinvested in ACT government schools. I have made a series of announcements about where that money is being reinvested—more than 223 projects across 70 schools in the first year, and we are in the first year of a four-year program that outlays \$20 million into information technology, so those savings, as I said, that were outlined in my statement to the Assembly in late December of last year.

### **Estimates 2007-2008—Select Committee Membership**

**MR SPEAKER:** I have been notified in writing of the following nominations for membership of the Select Committee on Estimates 2007-2008: Mrs Burke, Dr Foskey, Mr Gentleman, Ms Porter and Mr Stefaniak.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 2007-2008.

## Papers

**Mr Stanhope** presented the following papers:

Intergovernmental agreements—

Ministerial level negotiations list—April 2007.

Research involving human embryos and prohibition of human cloning—  
Notice of Variation, dated 13 April 2007.

National Identity Security Strategy, dated April 2007.

## Gaming Machine Act 2004 Paper and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

Gaming Machine Act, pursuant to section 168—community contributions made by gaming machine licensees—ninth report by the ACT Gambling and Racing Commission—1 July 2005 to 30 June 2006—corrigendum.

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

Leave granted.

**MR STANHOPE:** I present an amended table of contributions made to registered parties and associated entities reported by gaming machine licensees for 2005-06, originally appended to the ACT Gambling and Racing Commission's report on community contributions made by gaming machine licensees for the period 1 July 2005 to 30 June 2006.

The Gaming Machine Act 2004 requires gaming machine licensees to report community contributions to the commission on an annual basis, including donations to registered political parties and associated entities. The commission is required to report to the minister on community contributions and this report must be tabled in the Assembly. The 2005-06 community contributions report was tabled in the Assembly on 16 November 2006.

By way of background to the report, in compiling and summarising extensive community contributions data submitted by gaming machine licensees the commission conducts a preliminary examination of the information to determine,

prima facie, the eligibility of the reported contributions as community contributions. Due to the volume of data, the time taken to conduct eligibility testing and the short statutory reporting time frame, the commission initially relies to a large extent on the licensees' declaration that their reported data is accurate. During the year, an audit program is conducted to verify a sample of contributions reported by licensees.

The commission became aware during the financial year that some gaming machine licensees may have mistakenly reported contributions to "associated entities" of political parties that were in fact contributions to "associated organisations" of the club. These two terms are defined in the act and have quite different meanings.

To confirm whether in fact there had been confusion amongst some licensees and to determine the level of any over-reporting of political contributions, the commission conducted a complete audit of the contributions reported by the licensees. I have been advised that the audit identified a number of licensees that originally reported such contributions confirmed that they had indeed misinterpreted "associated entity" to be that of "associated organisation".

Consequently, the reported contributions amount of \$776,756 to registered political parties and associated entities has been amended to \$378,676. This is a reduction of \$398,079 or 51.25 per cent. The most significant change was \$313,180 erroneously reported by the Canberra Raiders sports group when in fact they made no political donations at all. This is 79 per cent of the total correction made.

These amendments and any further amendments resulting from other audits conducted by the commission throughout the year will be incorporated in the 2006-07 community contributions report which will be tabled later this year. However, in order to ensure clarity and transparency, I table the updated figures in relation to political contributions and associated entities for the information of members.

## **Indigenous education**

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

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): For the information of members I present the following paper:

Indigenous Education—Performance in Indigenous Education—Annual report 2006.

I seek leave to make a statement.

Leave granted.

**MR BARR:** This report on indigenous education covers the period January to December 2006. The key indicators for measuring progress made by indigenous students in ACT government schools are those identified by the Council of Australian Governments and articulated in the *Overcoming indigenous disadvantage: key indicators* report. These indicators reflect the major factors that need to improve if

COAG's vision of an Australia in which indigenous people come to enjoy the same overall standard of living as other Australians is to be achieved.

The ACT has a number of programs and initiatives to assist indigenous students to achieve quality outcomes. Previous reports to the Assembly on the performance in indigenous education have provided information about the on track program. This program was originally trialled as the Birrigai boys program in 2004. Through a grant from the community inclusion fund the program was expanded and continued in 2005 as the on track program. The program is aimed at improving outcomes for Aboriginal and Torres Strait Islander primary students in the areas of attendance, behaviour, self-identity, literacy and numeracy. In 2006 there was a further expansion of this program to include indigenous female students. Thirty-four indigenous students enrolled in government schools in years 4 to 6 benefited from the program in 2006.

Opportunities for all ACT students to learn about and understand indigenous culture occurred through celebrations of National Sorry Day and NAIDOC Week. A new after-school program for indigenous students, managed in partnership between the Department of Education and Training and the Australian Catholic University, commenced. Participating students learn about aspects of their culture as well as enhancing skills in literacy and numeracy. Eliminating the gap between indigenous and non-indigenous students in literacy and numeracy continued to be the primary focus.

The ACTAP results for years 3, 5, 7 and 9 indicate improvements for indigenous students. A very pleasing result was achieved for students in year 5, whereas year 4 students were in the lowest 20 per cent of students tested. These students were targeted for additional literacy and numeracy support as funded by the government in the 2004-05 budget and results show an impressive overall improvement of between three and seven points across the three strands of reading, writing and numeracy.

This support is continuing in 2007 with indigenous literacy and numeracy consultants now working with all other literacy and numeracy staff, as well as classroom teachers, to enhance their ability to meet the needs of indigenous students. So, while advances have been made in reducing the gap between the results for indigenous and non-indigenous students, as is seen in this report, there is of course still a lot more work to be done to ensure full equality.

The commitment of the government to improve outcomes for our indigenous students continues, and the programs we have implemented focus not only on improving literacy and numeracy skills but also on the development of knowledge and pride in a rich cultural heritage. I look forward to further gains being made in 2007 and I commend the report to the Assembly.

## **ACT Health—accreditation by Australian Council on Healthcare Standards Ministerial statement**

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (3.58): I present the following paper:

ACT Health accreditation—Ministerial statement, 3 May 2007.

I ask leave of the Assembly to make a ministerial statement concerning ACT Health accreditation by the Australian Council on Healthcare Standards.

Leave granted.

**MS GALLAGHER:** I rise today to inform the members of the Assembly of welcome news that ACT Health has been accredited by the Australian Council on Healthcare Standards. The ACHS has accredited all parts of ACT Health, covering community health, mental health, the Canberra Hospital and the corporate office, for a two-year period.

This is the first time that ACT Health has been fully accredited in this way. Two-year accreditation is the maximum period of accreditation that could have been awarded to ACT Health in light of the decision to move to portfolio-wide accreditation in 2008. An organisation that is awarded accreditation has reached a high level of achievement. It also indicates to the community that ACHS believe ACT Health is striving for best practice, has a quality improvement culture and is committed to quality improvement management systems being in place. Accreditation also indicates that ACHS believe that ACT Health has a focus on consumer and patient needs and safety.

The evaluation and quality improvement, EQUiP, accreditation system is a four-year voluntary membership program that provides a framework for establishing and maintaining quality care and services in health care organisations. Within the four-year ACHS quality program there are self-assessments, period reviews and comprehensive organisation-wide surveys. Both organisation-wide surveys and period reviews involve health professionals who are professionally trained surveyors to assess the performance of a health care organisation against the standards of ACHS accreditation framework.

The EquiP 3 program evaluated organisations against five functions: continuum of care, leadership and management, information management, human resource management and safe practice and environment. In 2005 ACT Health made the decision to move to portfolio-wide accreditation, rather than the previous approach which involved different parts of ACT Health being accredited separately. The most recent results are part of this move to portfolio-wide accreditation.

In 2006 all divisions and streams in ACT Health either went to a periodic review, which was for the Canberra Hospital, community health including the Capital Region Cancer Service, and the Aged Care and Rehabilitation Service, or an alignment survey, which was for corporate and mental health services, in accordance with EQUiP 3. A periodic review requires all mandatory accreditation criteria and recommendations from previous surveys to be addressed. An alignment survey is an entry process to the ACHS accreditation program and forms preparation for the first full portfolio-wide accreditation process which starts later this year.

Corporate, community health, mental health and the Canberra Hospital met all 14 mandatory accreditation criteria at the required minimum level of moderate

achievement. This demonstrates that ACT Health has met the required standard against the criteria. ACT Health was also awarded a rating of extensive achievement against 12 mandatory criteria. To be awarded a rating of extensive achievement an organisation needs to have gone beyond the level required, and to achieve this against 12 criteria is certainly an excellent achievement.

ACT Health has also progressed all past recommendations. We have not received any high priority recommendations. A high priority recommendation is allocated if a surveyor identifies a serious risk that compromises consumer/patient care or safety or where there is no evidence of continuous quality improvement. The fact there were no high priority recommendations is a further vote of confidence from the reviewers.

ACHS surveyors commended the ACT Health corporate office for its outstanding surveyor preparation and praised its enthusiastic and innovative culture which permeated through all levels of the organisation. Community Health received commendations of staff for their commitment to quality customer service and the high number of quality activities.

Surveyors also found the Canberra Hospital to be a very good organisation, with strong leadership and many interesting quality activities being undertaken. Mental health also received high praise and recognition for its paths of healing information booklets, its willingness to listen and involve consumers in mental health initiatives, and service development and commitment to occupational health and safety.

Finally, I would like to congratulate ACT Health for this achievement and its ongoing commitment to achieving and maintaining portfolio-wide accreditation.

**Mr Smyth:** Would the minister like to move that the Assembly take note of the paper?

**MS GALLAGHER:** Sure. I move:

That the Assembly takes note of the paper.

**MR SMYTH** (Brindabella) (4.03): I thank the minister for finally tabling this speech. It is interesting that she has had the reports for some months. She was quite happy to crow earlier in the year about how well mental health had done, but it has taken some months for this information to be made available to the people of the ACT. Over the last couple of days we have had a significant debate about the promise of openness and accountability. I was just wondering if the minister would like to table the four segments of the report so that we can see what the report says. What we have here is, in fact, quite a vague summary of quite a large report that looks extensively—

**Ms Gallagher:** I will give you a briefing, Brendan.

**MR SMYTH:** The minister has offered me a briefing and I would be grateful for that. But if the reports are so good, minister, would it not be appropriate to table the reports so that the health community, the allied health professionals, the nurses, the doctors, the health bureaucrats, the health consumers and, indeed, the shadow minister for health might have a chance to read the report and to assess for themselves what the

impacts of this report are and what the report really says? The only clear data in the speech by the minister is that corporate, community health, mental health and the Canberra Hospital met all 14 mandatory accreditation criteria at the required minimum level of moderate achievement.

**Ms Gallagher:** And next paragraph? Can you read out the next paragraph?

**MR SMYTH:** Just let me finish, minister, and I will get to the next program. I would have thought, given the level of funding that our hospital receives—and you have to remember that we spend more per capita on health than any other jurisdiction in this country—that to have 14 criteria at the minimum level of moderate achievement would tell me that there is something fundamentally wrong in the way this government is going about delivering the health system.

In the next paragraph the minister says, “ACT Health was also awarded a rating of extensive achievement against 12 mandatory criteria” and that that is a great thing to get. If she is going to crow about the extensive achievement against 12 mandatory criteria, I think it is fair enough that we have a look at which 12 that was achieved in. But I think it is also important that we know which 14 mandatory criteria only got criteria assessment at the minimum level. For the money we spend, for the youth of our system—and let us face it: the major infrastructure here is less than 40 years old—I believe it should be achieving much more than this.

It is great that there were no high priority recommendations and that is a step forward, because when the last reports came in there were criteria under which we did have high priority recommendations. So there has been some movement, and that is a good thing. There you go, minister. I want you to note that I have just said that that is a good thing, given that you seem to forget all the times that I praise the system when something goes right. For us to not have any high priority recommendations is an endorsement of the professionalism and the dedication of the staff, particularly in the hospital, and the way they go about their job under the adverse circumstances in which they operate.

The question is: why can't we have all of the mandatory accreditation criteria at the extensive achievement? That is the question. We spend more, we have got the newest health system, we have got the youngest population, we have got the fittest population and we have got the healthiest population in the country. Against those criteria you would think that we would achieve at a much higher level than we have over the last six years under the Stanhope Labor government.

I know the minister has inherited a lot of the flaws in the system from the first Labor health minister, Mr Stanhope, who picked up the ball, ran from the scrum half, quickly realised that he was about to be hit by the forwards and did a flick pass to Mr Corbell very, very quickly, and that Mr Corbell displayed absolutely no interest in health as a portfolio. And I note that currently the government is attempting to eradicate any legacy that Mr Corbell might have left in the health portfolio, particularly in the area of mental health where we are yet to see, more than two years after the announcement, anything concrete occurring with the mental health precinct.

It is nice to see that mental health got the accreditation; that is great. But how is it that two years after the announcement we are yet to see a plan or a sod turned or a commitment of dollars to build the mental health precinct that Mr Corbell said would open in 2008? Even if it is funded in this year's budget, there is no way a completed precinct is going to open in 2008.

That is the sort of commitment that weighs us down, and that is the sort of lack of commitment that only leads to the minimal level of achievement being achieved. So the important thing here is that we make sure that we are addressing things like access block, access through the emergency department, where except for category 1—where unless you get attention you die—we suffer and we see declines in a significant area in some of the other categories.

What we have to do is address bed block. But that is still not occurring. We still have access block in the system when we should not have. You have to remember that as a jurisdiction, despite spending more money on health than any other jurisdiction in the country, we have the lowest numbers of beds of any other jurisdiction in the country.

These are the indicators that show that the government is not fair dinkum about health. We are yet to see the much-vaunted reforms of the last budget. It will be interesting to see this year's budget and the annual reports, to see whether the government has been able to constrain spending, from the 11 per cent or 12 per cent that it has historically been, back to the seven per cent or eight per cent that it is aiming for and what effect that will have on the numbers in terms of throughput, the numbers of people on the elective surgery waiting list and patient satisfaction.

People would remember that under Mr Corbell and the Press Ganey survey of satisfaction we were the lowest ranked hospital system in the country. The government did not like the way Press Ganey did the work because it delivered the result that they did not want to hear. So they changed the messenger. They just did not accept that Press Ganey were correct and they changed the way that we are assessed. So we are now getting a report that, whilst it produces some results, is not against the world standard work that Press Ganey does and the work that they do that is compared with so many other hospitals in this country.

All of those factors make it very important for the minister to table the report. I will take her up on the offer of a briefing. I am sure my office is, at this very minute, ringing her senior adviser to arrange that briefing for some time tomorrow or next week. But, without seeing a copy of the report, and without the report being extensively discussed by the community, what we have is a report from the minister that can only be taken at face value—that for 14 we got the minimum level of moderate achievement against the accreditation criteria.

The problem for the government is: how do they shift it even further? The government must acknowledge that there are not enough hospital beds in the ACT; that they are not looking after their staff; that they are not ensuring that we have a health promotion and early intervention platform in which to make sure that we stop people going to the hospital system and that we keep people fitter and healthier longer—all of this against the background of the fact that we have got the healthiest, youngest and fittest population in the country.

I would be delighted to give the minister leave to speak again, to jump up here and say that, yes, she has got confidence that the report stands analysis and assessment by the community at large, particularly health professionals, and that she is quite happy by the end of business today to table those reports in the ACT Assembly.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (4.11): I need to respond to some of the outrageous assertions and the rewriting of history that were included in the self-aggrandising comments of the member.

Never forget—and the people of Canberra will never forget—what we inherited from the previous Liberal government in relation to health in the territory when we came to government. We inherited a circumstance in the first instance in which the previous government, just before the election, had made a 14 per cent pay offer to nurses which it did not carry through on. That led to a dispute which we had to settle.

Do you know what we discovered, on coming to government in relation to this much-vaunted sort of economic management credential that the Liberal Party flaunt? It was a one per cent provision. We hear Mr Smyth today rabbiting on about management within the health portfolio and the hospital. But just imagine coming into government having observed, from the opposition bench, a government making pay offers of 14 per cent with a one per cent provision.

What else did we discover on coming to government? We discovered the lowest level of per capita expenditure on mental health in Australia. If there are a number of aspects of the previous government's stewardship, the Liberal Party stewardship, of the Australian Capital Territory and of health particularly, they are in the areas of mental health and disability services. Can you just appreciate now from this distance that we have had to increase expenditure on mental health by somewhere approaching—

**Ms Gallagher:** Ninety-two per cent.

**MR STANHOPE:** a doubling—a 92 per cent increase in mental health expenditure since coming to government—just to catch up with the rest of Australia. And here we have the shadow minister jumping up today, beating his breast, claiming some credential and some capacity, to dare to criticise this government on mental health. We have increased expenditure on mental health since coming to government by 92 per cent to undo the damage and the neglect of the previous government in relation to mental health.

As for disability services, I mentioned just the other day the Gallop report—something else we inherited from Mr Smyth. We inherited the Gallop report, an inquiry into disability services in the territory. We know what Gallop found in relation to the previous government's stewardship of disability services provision in the territory. We know why the Gallop inquiry was initiated and commissioned. And we also know, if we follow issues of disability services, that since coming to government we have increased expenditure on disability services by 69 per cent as a result of the

shocking neglect that was reflected in the Gallop inquiry and which was the legacy of Michael Moore and the Liberals.

In just those two areas on which the shadow minister today stands, berates us, beats his breast and claims some moral ascendancy we have increased expenditure on disability services by 69 per cent and on mental health by 92 per cent to fill the gaping holes in service delivery, the neglect and the disinterest of Mr Smyth and his colleagues in government. So anybody that listens to Mr Smyth or any Liberal in this place berating this government, particularly on issues around mental health and disability services, just needs to pause and reflect on what they will get if this mob ever get back into government.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (4.15): I remind the Chief Minister that the previous Liberal government inherited a deficit of \$344.8 million and that for the first three years we had to put some additional money into health despite the fact that we were really strapped for cash.

I recall the state of the hospital system then and I recall very few issues arising during the stewardship of then health minister Kate Carnell. I also remind you of some of the rather innovative moves taken to assist the health system by Michael Moore, the Independent health minister. I remind you too of your own comments in 2001 about very little movement in terms of some of the lists there, as if that was a criticism, when these days there are huge problems—huge problems indeed. Just take A&E: until about 2002-03 the average wait was about two hours. Now the average wait is about eight hours.

I have referred in recent times to a number of other issues in the health system—like an 85-year-old woman who went in with a broken arm on Good Friday and could not be attended to until, I think, the Tuesday. Those are regular occurrences in our health system. And it is not that the nurses and the doctors and the staff there do not work hard. My wife recently was there with a broken wrist and the staff did an excellent job. But there are some real problems in the system—real problems that we simply did not have even four or five years ago but that we do have now.

**MRS DUNNE** (Ginninderra) (4.17): I note that the minister has spoken about the achievements of accreditation in the ACT hospital system and the Chief Minister stood up and said, “We have spent so much money on mental health” and how much more money he has spent on mental health than was spent under the previous government. You might be able to say, “Yes, we have spent a lot of money” and you might be able to demonstrate that it is the case that you have spent more money, but the question that I am constantly confronted with when I deal with constituents who have mental health issues and an association with the mental health services is: are we getting value for money?

Here in the minister’s report today she lists the group of organisations within ACT Health, including mental health, that met the mandatory accreditation criteria to the minimum level. I am not an expert in hospital accreditation, and it may be good that mental health have met all of the criteria to the mandatory minimum level, but I will ask the minister why a constituent of mine, who about three weeks ago presented himself to accident and emergency at one of Canberra’s hospitals in great distress and

in need of assistance from the mental health services, was triaged and assessed as needing admission but was sent home because there were no beds in any of the in-patient facilities provided for people with mental health issues.

The Chief Minister spends his time saying how much more money has been spent, but my constituents are not seeing the benefits of that money, so the question that constantly comes up when I deal with constituents with mental health problems is: if all this money is being spent, why am I not getting a better service than I used to?

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (4.19), in reply: This was an opportunity for the Assembly to get behind the ACT health system and congratulate it for achieving, for the first ever time, full accreditation across every aspect of ACT Health. That was the purpose of providing the Assembly with a ministerial statement.

After the lessons of this morning, which we have all endured, I should have realised that when Mr Smyth politely stood up and said, “Minister, would you mind moving that the Assembly take note of the paper,” I should have said no and just sat down. That is what I should have done, and then when we would all have trotted off and we would have just left it as it was—a good story, a great achievement.

Every single staff member in ACT Health across all of those streams should be congratulated. Mr Smyth knows that achieving full accreditation is a very significant achievement and one that has not been achieved in the past. For the opposition to stand up and use it as yet another opportunity to snipe and be bitter and negative about the health system was just unwarranted. It did not need to happen. You had all of question time to have a go at me about the health system on individual matters, such as the one that Mrs Dunne raised about a constituent she alleges was turned away without any service from accident and emergency. I will be able to respond to that. I imagine there will be a response to it, but I have no idea what you have done about that if, as you allege, this person has been turned away without service after being triaged.

**Mrs Dunne:** When I get the date I will write to you about it.

**MS GALLAGHER:** You have written to me about it?

**Mrs Dunne:** I will write to you when I get the exact date.

**MS GALLAGHER:** Right—you will, now that you have had a spray in the Assembly.

**MR SPEAKER:** Order!

**Mrs Dunne:** No, I am waiting for the exact date.

**MR SPEAKER:** Order! This is not a conversation.

**MS GALLAGHER:** Well, that is three weeks later. No doubt that is of real use to the person concerned. If your concerns are as grave as you alleged they were, three weeks later you are going to put pen to paper and alert me to it—that is useful.

**Mrs Dunne:** No, when you raised it with me I would put pen to paper.

**MR SPEAKER:** Order, Mrs Dunne!

**MS GALLAGHER:** I will look into that case because it is very rare in mental health that appropriate care or support is not provided to patients. What you are saying is a slur on the staff. If you are saying that services were not provided to someone who had been triaged and needed them, that is a significant slur on the staff who work within Mental Health ACT. We have increased mental health by 92 per cent. It went from \$25 million, I think, when we came to government. It is now at \$52 million and a lot of that resourcing has gone into better in-patient services but a lot more community-based support services as well.

This government has committed to trying to achieve 12 per cent of the health budget into mental health by 2012—not 11 per cent as it was in Mr Smyth’s media release. And I made that commitment at the ALP conference—not the ACTCOSS conference. But, anyway, apart from those matters, it is 12 per cent by 2012, in order to keep pace with the demand that we are seeing in the mental health area. So try and get us on any matter, but mental health is not one of them. You guys do not have a leg to stand on with that.

In terms of whether I have had the reports for months, again that is incorrect. Mr Smyth put out a media release saying, “What has the minister got to hide? Has ACT Health failed accreditation?” or whatever. It was a question mark media release, full of personal attacks, as usual, but I am getting over that; I rise above them now. I had not got the reports and I was waiting to get the reports together so I could read them. I had been notified that full accreditation had been reached and, yes, I could have put a media release out saying, “Woo hoo, full accreditation has been reached,” but I did not because I was waiting for the full reports to come from the surveyors, which took some further time. I got the mental health one first and then the ones for the hospital and corporate health came after that.

In relation to information for the Assembly, I will have a look at that. I think in the past summary documents may have been released, but I will have a look at that and certainly arrange a briefing for you. My view is that we have got nothing to hide from this. There are recommendations. There are recommendations on mental health that I am following through on, and it is about continuous improvement in the health system. I imagine you will be able to get four or five or six media releases out of it based on the recommendations alone.

But at the end of the day we have full accreditation. There is more work to be done. We are doing that work based on the surveyors’ feedback to the government across the whole range of areas. But overall it is positive. Overall there were no immediate recommendations that needed following up. We did meet all of the criteria. In some instances we more than met the criteria and were ranked with extensive achievement, and I think the health system should be acknowledged for it.

Take the politics out of it for a second. We did not reach full accreditation because I am in charge of the system. It is not about me being in charge of the system. It is the staff who work in ACT Health who delivered it—that is why we have got it—and those staff should be congratulated. And the system itself is better off for having it.

Question resolved in the affirmative.

## **Governance**

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

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

Governance in the ACT government and public sector.

**MR SESELJA** (Molonglo) (4.26): I am amazed that, with those odds, I got up. The opposition, particularly this week and generally for some time, has been highlighting the failure of this government to be open and honest with the community. Today I will highlight the failure of this government to be responsible in the expenditure of public money and its failure to properly govern for the good of all Canberrans.

The list of cost blow-outs and failed projects is long. We have seen the blow-out in the costs and timing of the GDE. We have seen the increasingly important issue of housing affordability, which this government is just turning its mind to. We have seen the failure of the LDA, which now thankfully is being scaled back in many ways. We have seen the mismanagement of our health system, the schools debacle with over 20 schools to be closed, the busway, the ACT prison, the arboretum, and the list goes on.

I want to speak in particular—and I know that some of my colleagues will be speaking about this as well—about some of the areas primarily in my portfolios. I will start with the Land Development Agency. Recently, changes were announced to the Land Development Agency. But the Land Development Agency, particularly in the form in which it has been operating for the past few years, has really been a failed experiment. The Chief Minister has tacitly admitted that with his moves to scale back its operations—to take away the exclusive ability of the LDA to develop land in this territory.

We certainly welcome the changes, but it is an acknowledgment that the LDA has not achieved the objectives that it was set up to achieve. It has not achieved the positive results for the people of Canberra that were promised by the planning minister when it was set up some years ago. That has been acknowledged now. It is certainly something that I have been arguing for some time. The Land Development Agency is a classic example of Labor largesse. It is a government entity playing private sector operator.

In 2005-06, the LDA spent almost \$3 million on marketing and advertising. This is advertising for a monopoly provider. It is not like they were selling something that there was a lot of competition for. They were the only developer of residential development in town. They were the only developer under the previous regime. So to spend \$3 million on all sorts of advertising and marketing was completely over the top.

We saw the LDA spend \$34,000 on a sign and \$12,000 on landscaping around the sign. We saw it spend \$55,000 creating an advertisement—just the development of the ad. We saw it spend \$60,000 playing the ad in cinemas and \$123,000 on a temporary site office when the industry standard for these site offices is about \$30,000. It is a large, bloated organisation operating as a monopoly that has failed to rein in spending. This has culminated in the ACT collapsing under the weight of the greatest housing affordability crisis seen since self-government.

How can we possibly call this responsible expenditure? We have to look at the record of the LDA. Did the LDA, for all the hype around its creation, deliver affordable housing? No. That has now been acknowledged by the Chief Minister. Were they ready to respond to the spikes in demand? Clearly, they were not. What were the tangible benefits received from the LDA? Well, not many. Certainly for the average Canberran there are very few.

These failures must be considered in the context of the Chief Minister's comments on radio a couple of weeks ago when he acknowledged that the LDA had been getting most of its profits—a lot of its profits—by gouging first home buyers. That was a tacit acknowledgement by the Chief Minister. He said he would be happy now to forgo some of the profits that the LDA has been receiving if it meant that first home buyers did not have to pay so much for their home. The flipside of that is that they have been paying too much for their first home to prop up the LDA's profits. There is no other way of looking at it. First home buyers have been forced to pay tens of thousands of dollars more than they would have otherwise because of the system set up by this government and because of the operation of this agency.

Planning system reform was launched by the government in 2004, some three years ago. Since planning began there have been 60 initial submissions, 260 documented comments, a further 27 submissions after consultations and 48 recommendations to the bill from the planning and environment committee. The planning system reform process, in the minister's own words, is the most significant reform to planning legislation since self-government, aimed at making the planning system in the ACT simpler, more effective and faster.

In the midst of this, after thousands of man hours developing this system the Chief Minister decided to reshuffle the cabinet and change the planning minister. We are about to deliver the most significant change to our planning laws in the history of self-government and the planning minister gets turfed! I have differed with Simon Corbell on a lot of issues around land development, in particular the Land Development Agency, but I am on the record as saying that the work of the planning system reform process is largely a good thing. It is a complex process and a complex piece of legislation that he was charged with bringing through. And, before it

gets through the Assembly, after it has been introduced, at the final hurdle we lose the planning minister!

That is just poor governance, and the question will be whether the new minister, at short notice, is going to be able to be across all the detail. There are still some very important details to be worked out in planning system reform. Industry still has some concerns. Even though it is largely happy with it, and we in the opposition are largely happy with it, there are some significant concerns. If the new planning minister is not across it and does not get those details right, the consequences could be quite significant. It would be a tragedy if, after all the significant work that many officials have put into this process, it fell down at the final hurdle and we ended up with a poor planning system when we have the opportunity to create a much better one than we have at the moment.

No matter what the Chief Minister says about how the timing was just coincidental, everyone knows that the planning minister was dumped because he criticised the Chief Minister and criticised government policy. That is fine, but it should be acknowledged that this has happened because of a personal spat. This reshuffle is not about what is in the best interests of the territory. Certainly the timing, in the lead-up to the budget, is not about what is in the best interests of the people of the ACT.

We have spoken a lot about the busway. Really, this project is the pin-up legacy project that succinctly represents the failure of this government. Today the Chief Minister attempted to justify it by saying, "Well, it was always only about the long-term planning exercise." What rubbish! Everyone knows that Simon Corbell wanted this project to go ahead, and go ahead soon. That is why the detailed design work was done. That is why the marketing contracts were signed. The Chief Minister might call it consultation, but on the contracts register it is called a marketing contract.

Money has been spent on marketing and detailed design. We are told now that \$4 million has been spent to reserve a piece of land. What a load of rubbish! This was a project that Simon Corbell wanted to take forward. He did not have the support to take it forward, but apparently he was given licence to spend millions of dollars trying to get it up. That has been one of the great failures of this government. It is just a fine example of throwing away millions of dollars for very little gain.

If we are to believe the new transport minister and this project does not go ahead for at least the next 40 years or so, much of this work will be absolutely redundant and will have to be done again. It is money that has not been well spent. The glossy newsletters and the marketing of this exercise have been a great thing for public transport. Today the Chief Minister said that it was about consultation, yet the transport minister says it is not going to happen in his lifetime. The consultation would have consisted of: "What do you think about a busway being built in 50 years time? What kind of consultation is that? Who is going to have strong views one way or the other about something that may happen 50 years from now?" The Chief Minister's explanation is absolutely beyond the pale.

In my comments about the LDA I touched on the issue of housing affordability. Recently the Chief Minister launched the housing affordability program, and the opposition certainly welcomes the fact that the government has finally started to do

something to address this issue. There are some good initiatives there and some others that we have some concerns about. But it is an issue that undoubtedly this government over the past five years has contributed to significantly. It has contributed to the problem which it is now seeking to address through the failure of governance, the failure of a coherent land release policy and a failure to respond to spikes in demand that could easily have been anticipated. It simply was not ready to bring things on line.

The LDA has been quite unimaginative in a lot of its developments. Some people thought that the Village Building Company may have paid too much in west Macgregor, but we already see Mr Winnell saying he can produce 30 per cent affordable housing. A lot of creativity is going to come out of developments like that. But we have seen a distinct lack of creativity by the LDA in seeking to bring about affordable house and land packages in the territory. We simply have not seen it.

The moderate income land ballot of \$160,000 for a 400-metre block, with very little choice in how things get done, is not providing genuinely affordable housing. I anticipate that with some freeing-up of the system and some competition being brought into the system hopefully we will see better outcomes, particularly for first home buyers, with fewer of them being locked out of the market and fewer people in housing stress, as has been acknowledged by the Chief Minister.

**Mr Mulcahy:** Working families that we need to look after.

**MR SESELJA:** Absolutely. Many of the people I know, many of my friends and relatives who have bought houses recently, have been forced to pay very, very high mortgages or are looking to buy and have simply been locked out because prices are so significant in the territory. For a long time when we asked this question, the Chief Minister would say, "We did very well in the housing affordability surveys."

The fact is that it is extraordinarily difficult for first home buyers to buy a house in the ACT. It is true, absolutely true—it has been acknowledged by the Chief Minister now—that this government contributed to this situation. We are not alone. We are not alone in Australia in facing this issue. But we are uniquely placed. Because of the way our system is structured, our government is uniquely placed to influence housing affordability in a positive way, and it has simply failed to do that over the past five years.

Briefly in the time I have left I want to mention the ACT prison. The opposition's views on the prison project are clear.

**Mr Barr:** They are all over the place, actually. One week it is too big; the next week it is too small.

**MR SESELJA:** Absolutely not. The figures, which I understand are still on Treasury's website, are quite at odds with the ABS figures. One of the most difficult things has been to get any coherent information or any coherent data. But what we have seen is a scaling down of the prison, and that was to be anticipated.

The government's management of major projects has been such that we would have expected this. Initially, it was going to be for 374; now it is going to be for 300 but

they are not going to blow the budget. They have blown the budget, because they are simply getting less for \$128 million. We look forward to future announcements that it is going to be for 250 or for 200. I understand they have knocked over the gym and done all sorts of things. There will be a scaling back. It may not be the most human rights complying prison in the world that was promised to us some time ago.

We know that we pay around \$200 a day to New South Wales to house our prisoners. We know that we pay over \$400 a day to house our prisoners in the Belconnen Remand Centre. The question that must be raised when this government are running this prison is: how are they going to keep costs down so that it is not more than the \$20 million or so that we spend now on current costs? Given that we spend over \$400 a day to house our remandees and we pay \$200 a day to the New South Wales government, with its economies of scale and the various advantages that go with that, I do not think that anyone actually believes that we will pay no more in ongoing costs than we do now.

The issue of governance is not a sexy issue but it is an extremely important issue. There are many examples where this government, through its agencies, has failed the people of Canberra. I have identified some that are in my portfolio, and my colleagues Mr Stefaniak and Mr Mulcahy no doubt will highlight some of the other failures of governance by the ACT Labor government in the past five years.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (4.41): I will begin by responding in relation to the prison. The need for a prison is something that was agreed by the Liberal Party in government, and I have no doubt that they were to some extent motivated by the knowledge that they had in government.

Mr Stefaniak was the last minister with responsibility for corrections and perhaps the last member of the Liberal opposition to visit the Belconnen Remand Centre. The Belconnen Remand Centre is simply an unacceptable facility and must be replaced. Indeed, the Belconnen Remand Centre will represent around half of the Alexander Maconochie Centre when constructed.

It is interesting to go back to the commentary and the views and attitudes of Mr Stefaniak and his colleagues—I may be wrong; I think it was Mr Moore and not Mr Stefaniak who was responsible for corrections—as expressed by the then minister for corrections about the need to do something about the Belconnen Remand Centre. This needs to be repeated because it is a message that has been distorted by the constant misrepresentation and refusal of the Liberal Party to acknowledge that the most significant aspect, the unavoidable aspect, of the Alexander Maconochie Centre is the remand centre. To his great credit, Mr Seselja today acknowledged—and this is the first time I have heard a member of the Liberal Party do so—that half the project or a significant proportion is a replacement for the Belconnen Remand Centre.

I am sure that Mr Stefaniak, perhaps in a previous life or emanation, has visited the Belconnen Remand Centre and knows how appalling it is. It is absolutely unacceptable as an ACT government institution. It must be replaced. That is non-negotiable. You have all accepted and agreed that Quamby needed to be replaced.

The Belconnen Remand Centre is 10 times worse than Quamby—20 times worse than Quamby. Compared with the Belconnen Remand Centre, Quamby is almost a Taj Mahal. Of all ACT government infrastructure, the Belconnen Remand Centre is, without a doubt and without argument, institutionally the most unacceptable facility that we have, and it must be replaced.

It begs the question: what would the Liberals have done? Six years ago you agreed that it had to be replaced—but you have fought against it ever since because it suits you in opposition to fight against it. You agreed to it in government and you have sought to take political advantage of it in opposition. You have perhaps done a little bit of polling or listened to 2CC. Now your policy is to oppose a replacement to the Belconnen Remand Centre, to oppose the construction of a prison. You are happy to sit back and say that it is really reasonable not to provide a major piece of infrastructure to the local civil engineering industry for construction or employment purposes. You are not worried about the fact that we are now paying for a group of ACT residents in New South Wales.

The corollary of all this is that the Liberal Party does not want to bring that employment back into the ACT. The Liberal Party does not want to bring that economic development back into the ACT. It does not understand that, in exporting our prisoners, we are also exporting employment, exporting economic activity and exporting the need to accommodate and support our prisoners to New South Wales.

What we are doing is appropriate, unavoidable, necessary and reasonable and actually reflects our willingness and capacity to understand and deliver on responsibilities as a government. We will not be driven by the fact that these are always difficult issues politically. There is a truism in politics: there are not many votes in prisons or corrections. But good governance requires governments that are prepared to ignore the downside of doing what has to be done, and to do what is right even when it is politically problematic.

We all know how problematic issues around corrections and prisoners are. But it is poor governance to ignore the hard issues. Today the Liberal Party is saying, “Here is an easy issue politically. There is no downside to rubbishing prisoners. There is no downside to trashing those on the other side of the law. Let us just do that. Let us just do what oppositions do. Let us just oppose. Let us not give any indication of what we would do in government if faced with a remand centre that is beneath Australian standards, is unacceptable and meets no reasonable humane standard for the treatment and housing of prisoners, because we can score some political capital.”

In raising this as an issue which you believe reflects poorly on us in a governance sense, you indicate the extent to which you do not have what it takes to govern. You do not have the capacity to take the hard decisions. You do not have the capacity to look the community in the eye and say to the community, “The treatment and rehabilitation of our offenders is an important issue of government and of governance.” I think you make the case for your own lack of ability to function as a party of effective government.

How puerile are your comments about housing affordability. It is an issue that has affected every jurisdiction in Australia, an issue not of the making of any government

in Australia. It is an issue that affects us nationally. It is a bit like Mr Mulcahy today essentially suggesting that I am responsible for the drought. I should have foreseen, Mr Mulcahy says, that inflows into our dams would reduce to four gigalitres, or 10 per cent of long-term average inflows. I should have foreseen the drought. I should have known that our dams would empty. It is Jon Stanhope's fault that it is not raining.

Now we are told that it is this government's fault that there is a national shortage of affordable housing. A lack of affordable housing is one of the big social issues affecting every government and every city in Australia—but it is all the ACT government's fault; it has nothing to do with initiatives being pursued by the federal government, nothing to do with the first home owners grant. This is the nonsense.

Good government and governance are not just about infrastructure, whether we should be building a busway or not building a prison. If I wanted to give examples of good and bad governance and the failure of governance, I would go to significant issues of policy and service delivery such as mental health. I would go to this party's record in government.

The opposition say that there are governance issues affecting this government. Let us look at their record on the most significant issues facing this community: the delivery of health services, mental health and disability. You cannot ever walk away from the fact that in 2001 you left this community with the lowest level of funding for mental health of any town or city in Australia. That is what you did. The facts are there. They are in black and white and they cannot be disputed.

This is your test of governance. When you had responsibility for health, how did you deal with those with a mental illness? You dealt with them by ignoring them. You dealt with them by starving them of funds. You dealt with them essentially by completely ignoring their needs and creating a situation in which Canberrans treated people in this community with a mental illness worse than any other community in Australia. No other town or city in Australia was left as bereft of funds and support in the mental health area as you left Canberra.

Then let us go to the other significant issue around good governance and a government's commitment to its community and to good governance, and that is disability services. Another issue that we inherited on coming to government was the Gallop commission of inquiry into disability services. That was about government and governance. That was about the level of good governance in the delivery of disability services. Justice Gallop produced a detailed, rigorous, objective assessment of the Liberal Party's governance of disability services and their delivery in the ACT.

Let me turn to that report now. It is all about the performance of Mr Stefaniak and Mr Smyth and those of their colleagues that were part of that government. It is a damning report, as we all know. It is an indictment of Bill Stefaniak and Mr Smyth. It was a report that was prompted by a range of serious incidents in disability services, including a number of deaths of the most vulnerable members of this community, and Justice Gallop found, unsurprisingly, among other things, a need for a very substantial increase in public funding. He found that the allocation of existing inadequate resources showed a lack of flexibility, a lack of inventiveness and a lack of

willingness to genuinely pursue arrangements for people with a disability in this community.

Justice Gallop found that the rights and interests of Canberrans with disabilities had not been adequately or effectively protected by the government, its policies or its systems. He found that the government had floundered, in his words, in terms of disability policies and disability planning. He identified the need for urgent change. And that is of course what the people with disabilities of this town got under a Labor government: change. In the wake of that devastating Gallop inquiry Labor responded with an historic injection of funding and a reform of the complete system itself. We responded with good policies delivered by effective institutions.

From 2001 to 2004-05—and Mr Smyth scoffs—per capita expenditure on disability services in the ACT grew by 69 per cent, nearly twice the jurisdictional rate of increase of 38 per cent. We increased funding for disability services as a result of your legacy, your neglect, your floundering, as Justice Gallop described it, with disability services. In 2006-07 our recurrent annual expenditure on disability services reached \$54 million.

But we have not just injected money into the system. Policies and delivery mechanisms, the ingredients of good government, have undergone significant reform. Just today the Deputy Chief Minister has outlined some of the changes that we have initiated and continue to carry through with—changes that are reflected not just in policies and program funding but in the quality of life of hundreds of Canberrans. Disability ACT have worked hard and worked well to put in place strategies to minimise the barriers thrown up by disability and maximise opportunities for Canberrans.

One important area of reform has been that of creating opportunities for appropriate independence for those Canberrans requiring very high levels of support. The number of Canberrans covered by individual support packages has increased by 161, which represents an annual increase in funding of \$6 million over the last three years. In the middle of last year a new community centre offering day options for Canberrans with disability opened on the north side. We are providing more than \$7 million to provide better specialist support and treatment for those with high or complex needs. The taxi subsidy scheme has been reformed.

This is good governance; this is what good governance is about. It is not about pointing out, “Here is a bit of infrastructure that you should not have proceeded with.” Good governance is about delivering services to people. It is about funding and delivering services to people with disability. It is about funding and delivering services to people under the dental program. It is about ensuring that people within the ACT public service have wages and conditions that they are entitled to and that match those in other jurisdictions. That is what good governance is about.

Good governance is not about “did you build this?” or “did you build that?” Good governance is about meeting the needs of the community in the areas of greatest importance and significance for them—health, education, community safety—and we deliver, and you did not. Your record stands there for everybody to see. It is there in black and white. We have had a 92 per cent increase in mental health funding; a

69 per cent increase over four years in disability funding; a reform of all of our systems; an absolute commitment to those with a disadvantage, those in need, those that require support. That is what good governance is about.

Your record stands for all to see—and all have seen it—and it is why the people of Canberra have rejected you so resoundingly. The delivery of good governance is why this government continues to be supported by the people of Canberra and you do not. You sit there without a single policy to your name—not a single policy delivered to the people of Canberra since you have been in opposition.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (4.56): I think the people of Canberra appreciate our public schools policy in relation to closures, Chief Minister.

In March 2001, at a gathering of Labor leaders in Canberra, Mr Stanhope made what I am sure he thought was a landmark speech that he titled “A code of good government”. In that speech he outlined what he thought were the failings of the Carnell-Humphries Liberal governments. He declared the Carnell-Humphries years as years of wasted opportunity. But he did make one concession. He said, “No government governs entirely badly,” and he said:

The Carnell-Humphries Governments have kept Canberra ticking over. The place does have a good feel to it.

For Mr Stanhope to make that declaration, the place, as he calls it, must in fact have been flourishing. I will come back to that point later. His answer to the so-called wasted opportunities of the former Liberal years was to espouse:

... a vision of a strong confident community asserting its place in the country’s affairs as the national capital. It is a vision of a community-of-the-whole that does not ignore one in favour of another.

Who can disagree with that sentiment? Any political party I am sure would proudly adopt those very same words. The trouble is that Mr Stanhope’s code of good government is an entire speech of sentiment; it is certainly not one of action. Let us go to some details. In his landmark speech of 2001 he said of his government that it would not draft its budget “behind closed doors or in isolation from the community”. Further, he said:

Openness is one of our core values. We understand that we cannot construct a Budget or a program of government without responding to community needs.

Mr Stanhope also said:

Labor will adopt a sensible and public Budget timetable that will allow ample time for submissions from the community, people and organisations, Government departments and agencies, and Assembly Committees.

When this very same man took on the role of Treasurer last year did he maintain that core value of openness? No, he did not. I concede that he called for submissions from interested community sectors, but those submissions disappeared into a black hole. It

was not those submissions but the secret functional review that shaped the 2006-07 budget. And how do we know this? We know this because there was widespread criticism of the budget—a sobering lament that the Stanhope Labor government had completely lost touch with the ordinary community. People remember that; people pay for that every day. People pay for that in the increases in their rates and charges and with the dislocation they have suffered as a result of the very illogical school closures undertaken by Mr Barr.

Let me now turn to Mr Stanhope's code of good government when it comes to the public service. Once again Mr Stanhope made a vast array of sentimental statements with which no-one would, or indeed could, disagree. Words like "impartiality", "frank and fearless", "integrity", "professional", "responsible", "dedicated", "leadership" and "respect" all spring up from the page, and he suggested that all of these qualities needed to be restored to the public service. What did he mean by this? Was he suggesting we had a public service whose qualities were apparently something other than those he listed and therefore needed to be fixed?

That was a vicious attack on our public service, and it goes to the very heart of our public servants. It is a profound insult to the very hardworking people we have in our public service. Only this week the Chief Minister claimed that our questions on expenditure were somehow a slight against the integrity of public servants. Our questions are not an attack on public servants; our questions go to ministerial responsibility—and ministerial responsibility is one of the very foundations of good government and good governance.

This is at the core of the government's failure to deliver on its own code of good government. Its ministers consistently abrogate their responsibilities. They consistently fob off their responsibilities to public servants. They have no concept at all of ministerial responsibility. The Chief Minister says he had no responsibility to tell the people of Canberra that a bushfire was on their doorstep. He says he had no part to play in the decision to spend \$72,000 on a statue. The then minister for emergency services said he had no responsibility to decide if an emergency is an emergency.

Ministerial responsibility also goes to cabinet solidarity, another concept of which the ministers in the Stanhope Labor government seem to have absolutely no understanding. In this very chamber only yesterday we had the Chief Minister pronouncing that we might have a busway in the future, but only a week ago Mr Hargreaves pronounced it dead and buried. Today the Chief Minister has expanded on that; he thinks it is a wonderful idea, something we are definitely going to have, something that has been there on the drawing board for 40 years and, yes, it seems that at some stage he is going to go full steam ahead with that, regardless of the necessity and the cost at the time. Mr Hargreaves, Mr Corbell and Ms Gallagher have all breached cabinet solidarity with monotonous regularity—and what has the Chief Minister done about it? Nothing.

I now turn to the question of the culture of the public service. In his 2001 landmark speech the Chief Minister said:

Labor does not believe a 'can-do' culture should be a culture of a responsible and responsive public service.

What does this mean? Does it mean that we should have a “can’t-do” culture in the public service? Do we have to go back to a 19th century style public service driven by process, one that says, “We can’t do that unless there is a form to fill out”? Maybe that explains why the Stanhope Labor government has squandered the \$450 million worth of money, left in the bank by the previous Liberal government, by employing battalions of more public servants—public servants he did not really know had been employed, until April, when he expressed genuine surprise that there were some 2,500 extra public servants unaccounted for. He did not quite know how that had occurred.

That is not responsible government at all. So we now have a fatter public service against the backdrop of library, school and shopfront closures—slash services to the community and grossly increase taxes and charges. We dealt yesterday with the issue of shopfronts: “There are not going to be banks of computers; there are going to be shopfronts staffed by actual people.” What happened to the shopfronts? What happens now when you have to register your car? How long does that take? It takes an entire lunch hour. You have to go out to Dickson. What happened to that great little shopfront over the road there? It is not even a bank of computers.

**Ms Porter:** Just send your form in.

**MR STEFANIAK:** Some people cannot, Ms Porter. It is not even a bank of computers—nothing, zippo.

Finally, let me come back to Mr Stanhope’s concession about Canberra “ticking over”. The previous Liberal government did more, much more, to keep Canberra ticking over. The previous Liberal government left a buoyant economy and a thriving business sector after seven years where it had to pick up the pieces from a disastrous Labor government, just like we are going to have to do.

The previous Liberal government reduced waiting lists in the hospitals. The previous Liberal government put Canberra on the international business and tourism stage. The previous Liberal government was able to mow the grass and do simple things like that that people want so much in our community and that this government seems incapable of doing. The previous Liberal government was even able to keep graffiti under control.

**Ms Porter:** Graffiti! I didn’t think you’d mention graffiti.

**MR STEFANIAK:** And the previous Liberal government left hundreds of millions of dollars in the bank for the Stanhope Labor government—only for the Stanhope Labor government to squander it. Ms Porter interjected. Yes, we had graffiti squads that would go out and take it off pretty well as soon as it was there—very, very different from what you lot are doing.

The current Stanhope Labor government will not leave Canberra ticking over—because the Stanhope Labor government’s batteries went flat a long time ago. The Stanhope Labor government is a government of words; it is not a government of action. It is a government that has all its priorities wrong. It is a government that does not live up to Mr Stanhope’s very noble 2001 code of good government. It is a

government of hypocrisy and failure and it is a government that has failed the people of Canberra.

The people of Canberra are very disappointed in what they see now. People constantly complain to us about the simplest things. I have talked about mowing grass. The grasses may be dead now, and that is mainly through drought.

**Mr Barr:** Gosh, Bill, that's a big concession to make.

**MR STEFANIAK:** But at least the grass was mown and the city looked good under a Liberal government. It did not look tacky and untidy—and that is something, Mr Barr, you can fix up. The next Liberal government will get Canberra ticking over again and will certainly restore that now long-lost feel to it.

**MS PORTER** (Ginninderra) (5.06): I am reflecting on whether it is the opposition or the *Canberra Times* running this today from all I have listened to. But not to worry; obviously the opposition believe everything that is written in the *Canberra Times*, lock, stock and barrel, which is very interesting.

Today the Chief Minister has provided a perspective of governance in the ACT government and the public sector, highlighting the effective legislative policy and procedural base to support accountability, transparency and integrity in the ACT public sector.

Meredith Edwards, in her article “Governance: meaning and issues” in 2000—

**Mr Seselja:** Who? Who?

**MS PORTER:** Meredith Edwards. Obviously there are members in this chamber who did not hear what I said, so I am just repeating: Meredith Edwards. Unfortunately, Mr Seselja has not been around long enough to know who Meredith Edwards is, so if he could find out later that would be handy. Anyway, she defined governance as being about how organisations are structured and managed in such ways as to lead to effective performance in achieving desired outcomes and satisfaction of stakeholders and as such dealing not so much with what organisations do but how they do it.

The importance of a legislative base in defining and supporting how things are to be done should not be underestimated. The formal arrangements that both define the organisation and guide its operations are pivotal in setting the standards for an appropriate cultural environment. The legislation that established the ACT public service set a framework that is compatible with and serves as a support for the appropriate ethos, and by implication the goals, of the organisation.

Whilst legislation alone does not create ethos, legislation can set the standards for a cultural environment in which an appropriate ethos can be manifested and achieved. I consider values and integrity at an individual level and governance in its full meaning encompass an ACT public sector culture which takes into account roles and responsibility and structures and processes in building an accountable public service.

In June 2006 at an Institute of Public Administration of Australia seminar on open government the commonwealth and ACT Ombudsman, Professor John McMillan, said that “greater openness and transparency, under FOI and other mechanisms, has been good for government, good for society and good for democracy”. He further said:

In my view the administrative law framework, conferring upon the public the right to obtain government documents and to challenge and seek review of government decisions, is an important part of the explanation as to why the quality of government administration in Australia has steadily improved over the last two decades. It has helped to make government responsive, interactive, careful, reflective, evidence-based, and accountable.

The legislative basis of the ACT government, the Public Sector Management Act 1994, provides key elements of ethos through its sections 6 and 9. I mentioned sections 6 and 7 yesterday in this place. Section 6 provides a service-wide statement of ethos encompassing the public service role, relationships and key responsibilities and sections 7 and 8 provide organisational and management principles for public administration and employment matters. Section 9 sets out the ethical obligations of the individual public servant.

The Public Sector Management Act 1994 implies a role in service to the public, responsiveness to the requirements of the government and the needs of the public and accountability to the government for the ways in which functions are performed. At the same time these provisions are included as values and principles rather than stated in terms of role or relationship and are included with values and principles such as “fairness and integrity” and “efficiency and effectiveness”.

As stated, section 9 of the Public Sector Management Act 1994 provides for a code of ethics. The code of ethics is supported and supplemented by administrative law mechanisms, including freedom of information, by whistleblowing legislation, by auditing and monitoring regimes and by provision of training in the application of ethical standards. The public sector management standard 4, ethics, provides practical guidance, including staff obligations and, where appropriate, roles of supervisors and managers.

The concept of accountability is complex. In as much as a public servant acts under the delegated authority of a minister in a matter of policy, the public servant is responsible to that minister, who is in turn directly accountable to the legislature. However, in matters of administration ACT public servants are directly accountable for their actions through standard administrative review mechanisms such as the Ombudsman, the Administrative Appeals Tribunal, the ACT Auditor-General and internal agency audit committees. With these robust auditing systems an ACT public servant’s duty is to serve the public and their interests through serving the elected government of the day. I think I also mentioned that yesterday.

The ACT also operates within a financial accountability framework, the Financial Management Act 1996. This provides the legislative foundation that enacts financial accountability across the service. To ensure it remains robust and effective in its ability to regulate the conduct of the territory’s fiscal operations, this government has

enacted a number of amendments to the Financial Management Act 1996 to reflect the continuing need to pursue optimal procedures and legislative standards. These include the incorporation of strategic indicators for government departments in addition to the usual accountability practices.

I would also like to echo the Chief Minister's comments about the funding and the delivery of services to the people in this community by this government and about ensuring that our public servants have good working conditions and safe workplaces. I would also like to take this opportunity to congratulate the public servants who work in our health system for the accreditation that they have achieved.

In conclusion: the combination of the legislative frameworks and auditing bodies that support the ACT public sector serves to establish public confidence in the system of ACT government and its public administration.

**MR MULCAHY** (Molonglo) (5.16): I am pleased to again have the opportunity to speak on governance in the ACT, a matter that is of great concern to all members in the opposition given the performance of this territory government. Ensuring the ACT government adopts and sticks to the core principles of good governance is, indeed, a matter of public importance and if debating it time and time again in this place makes the current government in any way improve its governance practices it is worth every minute of speeches.

Good governance is a standard that the people of Canberra have a right to expect. Over the course of this week and through his actions in government Mr Stanhope has done little to provide the people with a guarantee that his government is delivering this standard. It has been a less than brilliant performance over the past three days as he has stumbled and fumbled his way through in attempting to deal with legitimate issues raised by opposition members.

Sadly, this is no longer an open government; it is secretive, defensive and intolerant of criticism from not only this side of the house but that side as well. Heads roll if anyone questions the fearful leader of this government. When the opposition ask justified and necessary questions probing expenditure within the ACT government how does the leader of this government react? We are treated to rhetoric, abuse and an unwarranted and unproductive defensive attitude.

I was very interested to hear the quotes from when Mr Stanhope was in opposition that Mr Seselja provided yesterday. The leader of the ACT government has forgotten what his performance in opposition was all about. He has forgotten the principles that he admirably committed his government to in 2001 and he has become arrogant and dismissive of any criticism or dissent.

What does governance involve? I am sure those opposite are sick of hearing these things by now, but rest assured you will continue to hear them all the way up to the next election: openness, accountability, transparency, responsibility. I found it comical to hear Ms Porter quote Professor McMillan, whom I have known for 30 years, saying how important FOI was—in fact, he is the architect in Australia of FOI from when he was a very young person in the seventies—when we have become aware of government measures designed to block information on the matters that

Mrs Dunne has pursued, on a level and on a precedence and on a scale that has never been seen before.

It is easy for governments to say that they adhere to these qualities I have outlined, but it is quite another for their actions to demonstrate this. The government have said in the past that they believe that these things are core values but, again, it must be stated, their actions suggest otherwise.

Let us talk again a little bit about openness in government. An issue that has not yet been discussed is the handling of the *Canberra Times* freedom of information request of an ACT government department. It involved some \$34,000 of expenditure, which was deleted from the information provided, ostensibly because the expenditure was not by department executives. I understand that the *Canberra Times* copped an earful from both Mr Corbell and his adviser when they dared raise these issues on the eve of publishing much of this material in the *Canberra Times* back in February. I would suggest that all government expenditure should be able to be scrutinised on request.

In another example in the last couple of months the Chief Minister has made it decidedly more difficult for the opposition to receive briefings, as I have said, on Treasury matters. I will not labour these points because I have raised them on a number of occasions in the last few days, and I was a bit stunned today when Mr Stanhope indicated to me that he knew nothing of them. But what does that tell you? The government are not on top of things. I would be horrified if my staff had dropped the ball on serious matters and a month later I knew nothing about it. It would be a very, very serious reflection on my capacity to manage my office—and it is a very serious reflection on the Chief Minister's capacity to do the job.

Clearly the Chief Minister is taking on too many different tasks. That is quite obvious. One has to watch here what is happening. If you are part of a government, if you are part of a team, you have to have the capacity to share and delegate and that is what does not seem to be happening, and I think we are going to see more and more examples of the ball being dropped. But I will move on from that issue.

The poor attitude of the government to governance has meant that the ACT Liberal Party are now looking at other options to legislate to access information that the government should have no qualms about making publicly available. Mr Smyth spoke yesterday about the matter of the capital works progress reports, something he has doggedly pursued since last year and which I have attempted to pursue information about this year. What we were left with was having to bring in a bill to this house. I am not a fan of having more and more legislation filling that table. I am one of those, probably a minority in this place, who want to see these laws diminish. But what can you do when governments just bring down the shutters? You have got to try and legislate to have this information made available for the people of Canberra.

Other things disappear; the travel reports for ministers just quietly slid off the table. I have researched that back, as I said yesterday, to the time when Kate Carnell committed to openness in government—in fact brought in that system—and now we see that has quietly evaporated. So we may have to look at legislating in that regard as well. We will continue to pursue this until we feel that there is a commitment to those principles that Mr Stanhope espoused in 2001 but that are quietly being taken off the table.

We have raised a number of examples of mistakes over these recent days, including the millions of dollars that have gone on the busway project. We have had this flim-flam situation: it is on again, it is off again, it is “not in Mr Hargreaves’s lifetime”. Then yesterday Mr Stanhope suddenly took a contrary view. Mr Hargreaves is in Broome, I think, so heaven help us when he gets back and says, “What are you doing reactivating the busway?” It will be an interesting old cabinet meeting. I wish we could get an observer’s ticket, but I suspect that will not happen.

This government just does not know where it is going. It is paralysed through factional and personality clashes. We now have an Attorney-General who is so detached and disinterested in the affairs of this parliament, of this Assembly, that today he bailed out in the middle of question time. It is quite extraordinary. Could you imagine if a John Howard minister fell asleep and then packed it in and left the chamber in question time? It would be across every newspaper in Australia. I am sure the *Canberra Times* probably has not even picked it up, but it was an extraordinary situation. I do not blame him. I can imagine, hearing the Chief Minister prattle on with all this nonsense, that I would probably feel like sitting outside too and having a bit of a kip. But it does trouble me that this is the government of the territory that is meant to be overseeing the interests of a third of a million people in this town, looking after them and displaying openness and competence.

This government is fast becoming a one-man band and I am afraid that one man is rapidly starting to show signs that he cannot carry the job. We have seen the fanciful project of the arboretum and the provision of \$6 million for this dream of the Chief Minister’s. It is great to have dreams, but let us keep things in reality. Let us bring things back to the capacity of our territory and the priorities in our territory to fund things that are essential. We can have theme parks, we can have all sorts of things here, but let us get things right.

One of my neighbours was in Canberra Hospital over Christmas, and they did not even have one surgeon in the place—not one surgeon—and the surgeon on call was not willing to operate. That person, a medical specialist, has not been able to work since Christmas—we are now in May—because of accidents that happened in his operation. The government talks about these luxuries and these fringe things but it cannot get the fundamentals right in the city because it is putting our people who are working these facilities under undue pressure.

The government has not got its act together. We are told through the AIHW work that the health system in Canberra is not run efficiently yet this is what the government try and trot out and tell us is a good standard of service. My office filing cabinets are full of complaints from constituents about basic infrastructure needs. They are not writing to me about social legislation or building new arboreta and things like that. They are writing about basics. They are writing about: “Why aren’t the roads fixed? Why aren’t we getting the basics done? Why are they shutting down the schools? Why are all of these basic school bus services so hopelessly managed?” And the best answer we got from Mr Hargreaves was, “Well, you are always going to have trouble at the beginning of the year. You are always going to have 60 or 70 kids on a 30-seater bus.”

I seriously wonder where this government is going. The attitude that we have seen in the last few days has been fascinating to me, reflected in the Chief Minister's reaction to opposition questions over discretionary spending within government departments. As I said yesterday, this is not about individual items adding up to hundreds of dollars. It is about an attitude that the people of Canberra expect to be adhered to by their government. Expenditure must show a tangible benefit and that is what it is all about. This is clearly not a government that is on top of its game. We heard that a while back when the Chief Minister expressed dismay that there were an extra 2,300 staff he knew nothing about. It is a sign of a government that is not on top of its game. (*Time expired.*)

**MR GENTLEMAN** (Brindabella) (5.26): What incredible hypocrisy we have seen from the other side. Who can forget some of their government work? Who can forget the Bruce Stadium? Who can forget the V8 race, the futsal slab and "Feel the Power"?

**MR SPEAKER:** Order! The time for discussion is now concluded.

## **Government Procurement Amendment Bill 2007**

Debate resumed from 6 March 2007, on motion by **Mr Stanhope:**

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (5.26): Before I comment directly on the bill, which the Liberal Party supports in principle subject to a minor amendment, I do wish to formally place on record my concern at the rushed nature of the introduction of this bill.

As with the Financial Management Amendment Bill, this bill was introduced to the Assembly on Tuesday, 6 March and was originally scheduled to be debated in the Assembly on 15 March, just a little over a week later.

Now, fortunately due to delays, the bill has been moved back to this sitting, but I would again urge the government to respect the processes of this Assembly and ensure that bills are not rushed through the Assembly without adequate scrutiny. Again, there was no case put to me for any sense of urgency. Had there been a pressing issue facing the government our cooperation would normally be forthcoming. This was not the case and it led to some issues here and certainly, as I will refer to a little later, I was left, and still remain, somewhat confused on the contradictory information that was provided and which I had to roll with given the short time before this was expected to be voted on.

Despite our concerns about the attempt to rush this bill through the Assembly, which was not successful, the Liberal Party welcomes these changes to the Government Procurement Act, subject to a few concerns which I will talk about in a moment. By and large the changes made reflect sensible practice for government procurement, adopting a guiding principle of value for money in government spending.

It is also good to see that the principles to be applied by the procurement board are now prescribed by legislation rather than regulations and guidelines determined by the board itself. It is a sensible general principle of governance that a government agency should be subject to a clear statement of the objectives it is to achieve and the basic principles it is to apply.

The new section 22A inserted by the bill sets out the procurement principles for territory entities. The primary consideration is value for money and this is to be considered in the light of other considerations, including probity and ethical behaviour, management of risk, open and efficient competition, whole-of-life costs and anything else prescribed by legislation.

While I have reservations about government administrators determining what behaviour is ethical, which I will go into in detail in a moment, I regard the basic principle of value for money and the other considerations in the bill to be very sensible. An efficient government should always seek value for money and I think these principles will give sensible guidance to government administrators in making procurement decisions.

It is also clear that factors such as the management of risk and the determination of whole-of-life costs are crucial in determining what constitutes value for money. These are principles that private enterprise, risking their own shareholder capital, have long applied, and customarily with great efficiency. If you do not apply them with efficiency in the private sector, you would normally go broke. It is appropriate indeed that these principles have been included as fundamental principles in the act.

I note that government procurement is now governed by principles of free trade under free trade agreements with the United States, New Zealand, Singapore and Thailand. This ensures that governments will not engage in protectionist procurement practices that end up hurting everyone as we move towards a global economy. For a small territory like the ACT this is a very welcome development because I believe that we have one of the most innovative populations in Australia and perhaps in the world. ACT companies have shown themselves to be able to compete on a global scale. Thus merit standards in government procurement, such as value for money, are welcome indeed.

Whilst I support without reservation the principles of free trade and the intention of this measure, there is a concern that other jurisdictions have not implemented similar provisions to facilitate free trade. Once again this is a concern that could have been addressed if the government had not attempted to rush this thing through the Assembly, and there are still some unanswered questions.

I have had assurances in briefings by Treasury officials that no jurisdictions have retained preference clauses that would discriminate against, for example, ACT companies. I was also informed that to do so would be a violation of Australia's free-trade obligations. Specifically, I have been informed by ACT government officials that New South Wales legislation does not preference New South Wales companies, including those based in country regions, over ACT competitors.

I do, however, understand from my own inquiries that there may be a preference for country based New South Wales companies over competitors based in New South Wales cities but that this does not impact on competitors from other jurisdictions. The only other preference contained in their procurement practices is for Australian, New Zealand and United States companies over those based elsewhere. In any case, any preference scheme is constrained by free trade agreements to which the Australian government is a signatory.

In the course of researching the claims provided by Treasury officials in briefings I found that the New South Wales Department of Commerce website still includes the procurement policy framework from 2004 which provides for a country industries preference scheme which gives preferences to country suppliers. I also found references to preference schemes on several other procurements boards around Australia. If these kinds of arrangements are indeed supposed to be rendered void by the free trade agreements, as the Treasury department have assured me is the case, the various procurement boards do not seem to know about it or they are very inefficient in updating their public data.

Again, this is a matter that could have been investigated by the government, had there been sufficient preparation. It would certainly be useful to have some agreement with other jurisdictions that free trade principles will be applied uniformly, and possibly this is something the Chief Minister might take up at a future meeting of COAG to ensure that those principles are left beyond doubt.

We note also the reduction in the threshold for notifiable contracts from \$50,000 to \$20,000. Provided this does not impose an unreasonable administrative burden on businesses and government agencies this may also be a welcome change. When we establish such reporting systems, as time goes on and agencies adapt to their reporting requirements they should be able to meet these requirements with less and less effort so that lower thresholds for reporting are able to be met without disrupting the functioning of government agencies.

This amendment will be a welcome change to all of those who are concerned with the scrutiny of government spending and holding governments to account.

**DR FOSKEY** (Molonglo) (5.34): In his presentation speech for this bill the Treasurer said that it details the legislative changes necessary to update the provisions of the Government Procurement Act 2001 and ensure the act's continuing relevance. That is well and good. The amendments have been presented as very low-key, machinery of government type amendments.

When my office looked at this bill we thought we might have seen evidence of a bold leap forward: at last here was a response to the global climate crisis and a welcome attempt to grab hold of the reins of public sector spending priorities in order to steer us towards that elusive low-energy light on the hill.

The provisions in these amendments that give rise to these hopes are those that direct agencies to take into account the whole-of-life costs of products, including embedded energy and disposal costs and also the ethical behaviour of the businesses they are

contracting with. Whilst it is good to see small steps like these being taken, it is sobering to reflect on the fact that whole-of-product lifecycle approaches have been practised and legislated for over a decade in Germany and other countries.

I am even hoping that here, finally, is an opportunity for the government to expand on its catalogue of four or five unfairly, underappreciated climate crisis measures that we hear about every time the topic is raised, the so-called raft of measures the Chief Minister alluded to at the last sitting. But a raft is an unfortunate and quite possibly a telling metaphor. In fact, we are going to need an ark—a craft with decking, a keel and a rudder—not some piece of flotsam cobbled together out of four or five threadbare planks drifting aimlessly, as rafts do, at the mercy of the increasingly hostile elements. But, despite my reservations, which are on the record, I do applaud each of the government's positive initiatives because every small step is welcome.

One step that the Greens have been pursuing is the implementation of a more holistic system attributing value to government actions and purchases. While the global reporting initiative and quadruple bottom line accounting are where world's best practice are heading, triple bottom line accounting would represent a mighty improvement on the single bottom line obsession that applies now.

The Auditor-General endorsed triple bottom line accounting principles a few years ago and the Chief Minister echoed her endorsement in annual reports hearings in 2005. These amendments have the potential to give some substance to the Chief Minister's verbal commitment two years ago to implement more comprehensive accounting principles. But they will require strong ministerial support to realise their potential in this regard.

Unfortunately, 2006 saw a virtual halt to progress down the sustainability path, with the government pulling funding from social and environmental initiatives under the cover of the functional review. While the government refuses to release any of the functional review it is impossible to form an accurate judgment as to whether it was based on a sound reasoning or even if it was financially competent. But one thing is clear: the functional review is not based on triple bottom line reasoning; it was based on immediate or short-term monetary savings and as such it may cost us dearly for many years to come. Hopefully, any future functional review will assess government functions and practices in light of a longer-term and more holistic perspective.

A large proportion of the territory's procurement functions have been incorporated into the procurement services unit. I hope that the procurement services unit take the potential of these changes to heart and help foster an awareness and commitment to these principles throughout the rest of the public service. I think their enabling legislation still gives them the power to pursue this agenda. I say this because one amendment that does raise some concern is clause 9, which among other things removes responsibility from the procurement board for "assisting in the development of training and development courses and activities relevant to the procurement and disposal activities of Territory entities".

This amendment raises concern because it throws responsibility for implementing these new approaches to procurement onto the individual agencies. This means that it will depend on the resources, understanding and enthusiasm of agency heads for

implementing a whole-of-life cost analysis into their value for money calculations. That being the case, what is needed are strong ministerial directions and executive encouragement of public servants to adopt triple bottom line reasoning in performing the value for money calculations. If this encouragement is not forthcoming, the temptation will remain for a manager to ignore environmental and social so-called externalities and gain kudos by achieving short-term monetary savings for his or her work unit by buying the cheapest product or service available.

Perhaps the recent reorganisation of the public service presents an opportunity to break through the atomistic thinking that develops within most bureaucracies, meaning that each individual agency attempts to externalise costs and internalise savings even when this means that the cost to the overall public service or society at large is increased.

Proposed new section 22A (3) (e) gives the government power to prescribe any other considerations which must be considered in pursuing value for money. It should use this power to ramp up the requirement to factor in the full social and environmental costs of doing business. This would incorporate such things as the impact on biodiversity, say from sourcing unsustainably logged paper and wood products, as well as the embedded greenhouse gas emission content of various products, which attract no immediate financial cost but which are accruing a terrible environmental, social and health debt.

I am giving all agency heads a heads up that in the next estimates hearings I will be asking them to catalogue the changes in their procurement practices that these amendments I am focusing on have produced. Without wasting too much time and effort, I will be asking them to give me an estimate of the projected environmental benefits that their whole-of-life calculations are based on.

The amendments we are debating today have the potential to generate clear market signals that businesses will be rewarded for incorporating environmental and social benefits into their goods and services. This will no doubt generate a massive amount of greenwash and other hogwash for the procurement managers to wade through, as some companies will try to prove their environmental virtue with glossy recycled platitudes rather than change their practices to provide real benefits and real savings in reducing greenhouse emissions, reducing embedded energy, improving interoperability and taking social responsibility for the impacts of their particular commodity.

I wonder whether the requirement in the bill to have regard to probity and ethical behaviour would preclude public sector managers from contracting with firms with track records such as Exxon Mobil or Clayton Utz. Mobil has been consistently funding leading international climate change sceptics, including the Competitive Enterprise and the George C Marshall Institute. On the same day that the Intergovernmental Panel on Climate Change announced a more than 90 per cent scientific certainty that climate change is human induced, the British *Guardian* newspaper revealed that an Exxon Mobil funded lobby group, the American Enterprise Institute, offered scientists and economists \$10,000 each to spread doubt about the IPCC report. Of course, \$10,000 does not seem very much, but to scientists and economists, especially looking for work, it can be quite large. This is the kind of

antisocial corporate behaviour that should be captured by this bill. It is not illegal activity yet, but it is antisocial and one day it may be the subject of equitable or class action tortious damages.

Perhaps Mr Mulcahy equates moral behaviour with whatever the law happens to be at a particular point in time and perhaps that is why he has proposed this amendment. But I am afraid that is not good enough. We should have the courage of our convictions and, while being mindful of what the current legal situation is, we should stand up for what we think is the right thing.

After the Chief Minister's review of ethical investment guidelines is completed, I would like to think that complementary legislation and guidelines will be implemented, making this bill part of a whole of government program to really accept responsibility for the broader consequences of our spending decisions. And, while he is about it, why not put some teeth into the labour standards component of this legislation and require firms to live up to more than the lowest common denominator legally compliant level that is being driven down by the Howard government. Even mega firms like Exxon Mobil cannot ignore organised public opinion. If governments around the world started boycotting companies that behaved atrociously, those companies would soon change their practices; their shareholders would demand it.

The Chief Minister said he was appalled by the behaviour of some of the companies that his superannuation money helped prop up. Well, the churches are already using their financial muscle to effect ethical change by boycotting investment activities that they consider to be unethical. Follow their lead, Chief Minister, and do not be too concerned about a voter backlash. For every one-eyed free-market fundamentalist out there, there are a thousand kind-hearted and concerned parents and average citizens who have both eyes open and who do not want to support antisocial and environmentally irresponsible businesses. Do not ever doubt that it is a government's legitimate role to represent their ethical and humanitarian concerns in its spending and investment activities. That is core activity.

Incorporating social and environmental considerations into procurement thinking will take some time. But, as with every journey, the first steps are important and I am glad the government is still progressing, albeit at glacial speed, down the road towards a more holistic accounting philosophy. Old section 38 provided that territory entities had to provide the Auditor-General with information regarding certain reportable contracts. New section 38 provides that agencies must give the Auditor-General information if requested by the Auditor-General.

On its face, this represents a downgrading of the oversight provided by the Auditor-General. However, this is not necessarily a bad thing. This seems to be one of those situations where a cost-benefit analysis suggests that the existing reporting arrangements generate excessive transaction costs and represent a suboptimal use of resources by both the auditor and the agencies concerned.

I hope the Auditor-General uses the saved resources to conduct numerous random audits of agency contracts, especially in the initial period following the implementation of these measures. There are obviously sound reasons behind ensuring adequate levels of scrutiny for government procurement decisions. Many

thousands, if not millions, of procurement decisions are made every year, not by this government alone, and the potential for corruption in this context is unavoidable. Corruption can take many forms from blatant bribery or fraud to improper use of insider information or undisclosed conflicts of interest. Any changes in procurement practices have to be very closely monitored to ensure that they do not provide cover for corruption.

There have been a number of occasions where territory entities have gone off the rails with their procurement and spending decisions, and the review that has spawned these amendments is partially the product of the hospital implosion and Bruce Stadium fiascos. Rhodium Asset Solutions is a more recent example but I am concerned that being an entity established under the Corporations Act an organisation like Rhodium is exempt from the provisions of the Procurement Act. Simply put, it should not be exempt. With a few necessary modifications, these whole-of-life costing, ethical behaviour and other triple bottom line practices should be a mandatory requirement for all publicly owned government entities.

New section 39 also saves the Auditor-General's resources by requiring territory entities to report directly to the appropriate committee. This seems to be a sensible proposal, but I note the risk that the committee's already overstretched resources may be diluted if entities fail to provide the information in the required form. Under the existing provisions the Auditor-General's office stood as a quality control mechanism between agencies and the committee.

I am not fully aware of the implications of proposed section 25 (2) (a) which lowers the threshold for a notifiable contract from \$50,000 to \$20,000 but I suspect it could also impact on the possible work load of the committee. It may never become a problem but I wonder whether the government should not either dedicate more resources to the committee secretariat or implement some mechanism for the committee to recoup any resources wasted in compliance enforcement activities.

I will be supporting this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR MULCAHY** (Molonglo) (5.49): I move amendment No 1 circulated in my name [*see schedule 2 at page 990*].

My amendment deals with the one area of concern with this bill which I believe does have implications of concern for the rule of law in the territory. Under the bill, new section 22A, subsection 3 (a), of the amended act will mandate the consideration of ethical behaviour in the procurement principles. Territory entities will be required to ensure that the suppliers engage in ethical behaviour.

It is pertinent that the term “ethical” is not defined in the legislation. We have just heard Dr Foskey speak. I was losing concentration, I have to admit, because it was becoming so esoteric. She was talking about Exxon Mobil and John Howard; I thought we were talking about procurement for the ACT. Clayton Utz got a serve in there somewhere. I grew up in Tasmania; with my limited education down there in that rural state, I must admit that it was all a bit much for me to grasp—as to how it tied in with what Mr Stanhope brought in here today about territory procurement. But apparently it made some sense.

I want to focus on ethical behaviour. In a sense, that rather obscure analysis does highlight the fact that ethical behaviour means lots of different things to different people.

As I said, under the bill that new section of the act will mandate the consideration of ethical behaviour in the procurement principles. Territory entities will be required to ensure that suppliers engage in ethical behaviour. It is pertinent that the term “ethical” is not defined in the legislation. For reasons which I will discuss, I am moving an amendment to seek to omit the words “and ethical behaviour” from this section.

Obviously no-one, including the Liberal Party, has a problem with ethical behaviour per se. However, we have serious reservations about whether such legislative provisions will indeed lead to genuine ethical behaviour or whether they will instead be abused for political causes and because of ideology.

The notion of using a legislative or regulatory standard which invokes so-called ethical considerations, whether in procurement or in other areas of the administration of government, is problematic for many reasons, not the least of which is the highly subjective nature of the term. Indeed, one of the most important achievements in modern governance has been the notion of rule by objective law—that is, by objectively ascertainable rules of conduct that allow citizens to know where they stand. While some ambiguity may be expected in such complex areas as law and politics, inherently subjective and contentious terms should be avoided wherever possible. The use of so-called ethical considerations by government administrators is an extremely subjective notion. No matter where you sit in the political spectrum, it is a matter of fact that you have to accept that ethical behaviour means different things depending on where you sit in the spectrum.

We have seen this with the inquiry the Treasurer has ordered into ethical investments. If you look at what the Chief Minister might consider to be a reasonable ethical investment, what Dr Foskey might think to be an appropriate ethical investment and areas of investment where I might have ethical issues, I can guarantee you that three different sets of criteria would follow. I am quite sure that Dr Foskey would have a long list of corporations with which she would have ethical issues. I suspect that is where she would have concerns. The *Canberra Times*, as they saw from their great expose, was worried about all manner of businesses being invested in. Other people do not see the ethics issues in the same light.

If it were otherwise, we would not be in here arguing with each other. There would be a single political party with a single platform. The reason for adversarial politics is

that different political philosophies are based on markedly different views of what is ethical and unethical. It is no secret why people on the political left are so keen on smuggling subjective notions of ethical behaviour into administrative legislation. They are well aware that bureaucracies often like to interpret the term as a mandate to punish the politically incorrect according to status fashions of the day. Slipping the amorphous term “ethical” into legislation avoids the unpleasant necessity for a government to clearly state what is and is not legitimate behaviour. They can merely leave this to the whims of bureaucrats who they suspect, with good reason, will carry out their own views.

In my briefings on this issue with officials from Treasury, I have gone to great lengths to ascertain exactly what procurement officials take this term to mean. What is it that they would regard as ethical behaviour? How would this consideration affect their judgment? My briefings on the issue give me no great confidence that this standard will be applied in a reasonable way. The procurement principle of ethical behaviour for procurement officers is defined in *Probity and ethical behaviour procurement circular 2003/06*, which says:

Officers engaged in procurement are to employ and display the highest levels of ethical behaviour.

Officers are to maintain high ethical standards when undertaking procurement activities and promote an environment where Territory entities and suppliers are able to deal with each other on the basis of mutual trust and respect.

I am not satisfied that an objective standard exists in relation to the actions of private businesses. In my briefings I was informed by the officials that they regard the principle as meaning merely that they should deal only with suppliers who comply with their legal obligations. If this is the case, this would indeed be an objective standard and should clearly be spelled out in the legislation rather than using the subjective term “ethical”.

But even with this interpretation there are a host of potential problems. How are administrators to decide who is complying with their legal obligations and who is not? Are administrators to have regard only to convictions imposed by the judiciary? Apparently not. When I was briefed, Treasury officials were clear that they would not require a conviction to exclude a potential supplier on ethical grounds. They would, as they put it, make their own inquiries and take advice from a range of agencies to determine this fact. This surely raises questions over the proper activities of the executive. Is the executive government now to act as judge, jury and procurement executioner?

But there is further danger still. I was told that from time to time other government personnel have proposed exclusions of suppliers on other grounds such as if the supplier engages in an unethical—not illegal, but unethical—line of business. We are all aware of what this means. It means that activities that are legal under ACT law may nevertheless be punished by stealth whenever a government bureaucrat takes a dislike to a particular company or industry. If you do not like mining or oil companies, punish away. If you do not like pharmaceutical manufacturers or defence suppliers, deem them unethical. Do not feel that you have to, say, account to the public by passing a law against these activities; just punish people in a non-transparent way by

using vague terms whose only concrete manifestation is the hidden decision of some government official not subject to full public scrutiny.

These are not merely speculative concerns. I have been informed by industry bodies in Canberra that unions previously attempted to co-opt these terms to their own benefit. The cleaning industry is an example where there was an attempt to achieve a so-called voluntary agreement between a union and business that gave the union powers that were removed by WorkChoices legislation, such as right of entry. This was promoted by the unions to governments as being the ethical requirement for a tender. Clearly this is an example that should worry us about the possible use of so-called ethical considerations.

Today I looked at the LHMU site and their descriptions of a responsibility to behave ethically. They cite Michael Walsh from the Edmund Rice business ethics initiative, but then they rip into the fact that the property industry is booming, owners are reaping rich rewards, and people who invest in super funds should have the primary consideration of workers' rights.

This is the troubling thing that happens when you start putting these sorts of criteria up. It is a worrying development indeed when governments replace clear, objective laws with highly subjective laws that depend on the ethical sensibilities of unaccountable government officials.

I stress my concerns over the use of subjective standards such as alleged ethical criteria, because we seem to be hearing other proposals—for example, through public service superannuation bodies—to insert these kinds of considerations into the administration of government. In view of this trend, I must urge the Assembly to consider the dangers of this approach, not only on this issue but in general.

It is the Assembly that is charged with formulating objective rules of law for the territory. Government officials are not accountable to the public in the same way as members of the Assembly are and are not the appropriate people to formulate and determine ethical standards for the territory. That is a matter for clear and objective laws which prescribe what is and is not acceptable behaviour.

For this reason, I ask the Assembly to adopt the amendment circulated in my name to remove reference to subjective criteria of so-called ethical considerations.

*At 6.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put.*

## **Adjournment**

### **Sport—Canberra Stadium**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (6.00): Yesterday in the adjournment debate the Leader of the Opposition raised the issue of junior rugby union and rugby league finals being held at Canberra Stadium. I can advise the Assembly that Canberra Stadium has indeed hosted and underwritten the ACT junior rugby union finals series for the past four years and the ACT junior rugby

league finals series for the past three years. These series have been held at Canberra Stadium on consecutive weekends in September following the conclusion of the Canberra Raiders season. The junior rugby union finals series involved 26 matches over three days and the rugby league finals series involved 13 matches over two days.

Of course, having 39 matches played across two consecutive weekends does place a significant strain on the playing surface. But this was offset by the fact that the surface was allowed to recover during the off-season, given that there were no other major games played at Canberra Stadium once these finals series had been played.

However, there is now a new national rugby competition involving the ACT rugby union that is being played for the very first time this year. It will be known as the Australian Rugby Championships, the ARC. It will involve four matches being played at either Manuka Oval or Canberra Stadium in August and September, plus the potential for the Canberra Vikings, should they go as well as we expect them to, to be involved in two further finals matches in early October.

Territory Venues and Events within my department has responsibility for the maintenance of the surface of Canberra Stadium in national and international competitions. With the Australian Rugby Championships and the potential for the last use to be in mid-October, the increased use has meant that there has been a need to rethink the conduct of the junior rugby union and rugby league finals weekends.

For 2007, the junior rugby union and rugby league initially requested weekend dates that preceded or clashed with commitments for the National Rugby League or the Australian Rugby Championships. Officials from my department have met with both the junior rugby league and rugby union organisations, and also representatives from the Brumbies and the Raiders—Andrew Fagan and Don Furner—on several occasions to seek a resolution for the 2007 finals series.

I am very pleased to advise the Assembly that all parties have now agreed that both finals series can be played at Canberra Stadium on the following dates: 25 and 26 August for the junior rugby union, and 22 and 23 September for junior rugby league. However, the number of games that will be played will be reduced. Rugby union will be restricted to between 15 and 17 games, and people in the junior rugby league will play a similar number of games. We have agreed to wet weather contingency needs, as there will be the potential for NRL and ARC matches to be played post these finals series.

**Mrs Dunne:** And can you tell the difference?

**MR BARR:** Indeed. Thank you, Mrs Dunne. There will be some costs involved in the use of Canberra Stadium. Territory Venues and Events has agreed to provide a level of support for the junior finals; we will not be underwriting the events, but we will be providing assistance with securing sponsorship for both finals series.

I advise the Assembly that the scheduling for the finals in 2008 and 2009 cannot be confirmed at this point, pending water restrictions and venue availability. But I am pleased that we were able to reach agreement with the junior rugby league and rugby union. I thank the Brumbies, the Raiders and everyone involved for their ability to compromise.

I would like to assure the Leader of the Opposition that this issue has been attended to. I am sorry that he was misinformed and felt the need to make his adjournment speech yesterday. However, these issues have now been satisfactorily resolved to the benefit of all parties. We look forward to the Australian Rugby Championships and the success of the Canberra Vikings in 2007.

### **Senate—South Australian representation**

**MR MULCAHY** (Molonglo) (6.03): A few hours ago the houses of the South Australian parliament had a joint sitting and selected Mr Simon Birmingham to represent that state in the Senate following the tragic passing of Senator Jeannie Ferris. I want to place on record my delight at that decision. Simon Birmingham is a good friend. He was my public affairs manager at the AHA national office and will be sworn in on budget day as Australia's newest senator.

Up to the last few days, Simon has been the director of stakeholder relations for the Winemakers Federation of Australia; he has served as corporate affairs manager for the Liberal Party in South Australia; he was chief of staff for the former Liberal South Australian Minister for Tourism; and, as I have mentioned, he was national manager of public affairs for the Australian Hotels Association. Earlier in his career he served on the staff of Senator Robert Hill, a former minister who is now the Australian Ambassador to the United Nations.

Simon is a person who has made tremendous contributions to the Liberal Party organisation in South Australia. He is a brilliant performer—an articulate and talented media performer. He is well respected by a broad cross-section of people in the Liberal Party. He won a lot of national recognition when he was a candidate for the House of Representatives seat of Hindmarsh. He narrowly missed out—I think by about 100 votes. He was a candidate for Hindmarsh in the 2004 election. He lost by 108 votes as a result of Greens preferences, making Hindmarsh the most marginal seat in Australia. Simon was recently selected to be the No 2 candidate on the Liberal Party South Australian Senate ticket, but because of the death of Senator Ferris he will now take up that position ahead of the original plan.

Mr Birmingham becomes the third person in the office to enter Australian politics. The first was Jacqui Burke, who was a former employee of mine; the second was me. It is good to see people move on and develop their careers. Interestingly, this week a fourth member of the office also received a senior appointment. That was Mr Birmingham's predecessor. His political direction is not one that I am as enthusiastic about, but he is a close friend and a very capable person. I refer to Mr Daniel Leesong, who was also my public affairs manager. This week he has become chief of staff to the Tasmanian Premier, Paul Lennon.

I want congratulate both gentlemen on their success. We would prefer to have Mr Leesong on our side of politics but we do not have the positions down in Tasmania there to attract him to our employ. I am sure he will be a very capable chief of staff. I am particularly pleased to say that I think Simon Birmingham will be one of Australia's most outstanding senators once he gets his feet under the table.

**Sport—Canberra Stadium  
Belconnen to Civic busway**

**MRS DUNNE** (Ginninderra) (6.07): I would like to spend a little time to review the week. I am glad that Mr Barr produced a perfect segue for me by his lengthy exposition on the upcoming rugby league and rugby union matches. The end of last week was a sad time for ACT rugby codes when the Chief Minister stood on the hallowed turf of Canberra Stadium, announced the unveiling of the Gregan-Larkham stand and extolled the virtues of the homegrown talents of George Gregan and Steve Larkham as great exponents of the football code known as rugby league. That was a bit of an embarrassment in front of 20,000-odd people, all of whom were rugby union aficionados.

**Mr Barr:** It was a slip of the tongue; he quickly corrected it, Mrs Dunne.

**MRS DUNNE:** Yes, of course he did, but it was a mistake that should not have been made and it went down very badly. I am sure that Mr Barr was standing beside the Chief Minister on the hallowed ground. I was too far away to see the expression on Mr Barr's face—I had paid for my tickets—but I could imagine the cringing at the time.

**Mr Barr:** I hope I never see you with a free ticket to a Brumbies or Raiders game. You get them from time to time.

**MRS DUNNE:** You get them from time to time. We are also prepared to pay testament—

**Mr Pratt:** Unless she is wearing the Brumbies horse suit.

**Mr Barr:** She was there in disguise?

**MRS DUNNE:** That's a thought. I think that will have to be in another lifetime.

**Mr Barr:** Brumby Jack is a bit taller.

**MRS DUNNE:** That is right, and he does better handstands than I do. But it is a bit of a shame.

We have had a number of what might be called Kim Beasley moments from the Chief Minister over the last little while, especially when it comes to sporting identities. We had Ted Woodbridge—spoken about at length yesterday. I think that the Chief Minister needs to do something. There was obviously something in the water for the people who worked in the Beasley office. For those who follow Mr Beasley into public office, there seem to be a few gaps, with people being somewhat mistaken about people and elements of national culture.

Another confusion which has not been sorted out concerns the busway—the off again, on again busway. Mr Stanhope says that the busway had not been killed, but in the *Canberra Times* Mr Hargreaves said that it was killed. He told me in the car park that

it was killed; out in the car park, he virtually danced, metaphorically, on its grave. Yesterday we had Mr Stanhope saying that it will be built; today he came in here and spent 10 minutes of question time on a lengthy and ornate justification for the feasibility money spent on the busway. He claimed that the actions were merely those of a responsible government to ensure that the road reserve was there for perpetuity. He likened it to setting aside the road reserve for John Dedman, now Gungahlin Drive.

If that is the case, I want to know a number of things. Perhaps the current planning minister or transport planning minister, the Chief Minister or the previous transport planning minister can answer these questions. When will we see the government put aside the rest of the road reserves that were set out and suggested by the KBR report that was part of the sustainable transport study? When will we see a setting aside of road reserves for a busway or light rail network that may one day be built from Gungahlin to Civic—and from Civic via Russell perhaps to the airport; from Woden to Civic; from Tuggeranong to Woden? If that is what the Chief Minister thinks they were doing, he has done a very small proportion of the job.

If we were actually in the business of putting aside road reserves, there would not have been any quibbling from this side of the house. But what we saw was a massive waste of money that included design work for the bus stops along the way and advertising and marketing for the concept. It was not consultation. The contracts for the feasibility study, in addition to consultation, specifically talked about advertising and marketing of the concept. It was roughly a \$4 million waste of money. Setting aside money for a road reserve would not cost this territory \$4 million, given the sort of work that they have done. It could have been done for less than that. For \$4 million I would expect to see all the road reserves set aside for perpetuity. That would have been a good thing.

### **Asylum seekers—mutual assistance arrangement**

**MR GENTLEMAN** (Brindabella) (6.12): Today I would like to speak about a new policy direction of the Howard government that I find absolutely appalling but that I have not had the opportunity to air my concerns about in the Assembly until today. I refer to the mutual assistance arrangement Australia signed with the US to resettle refugees who arrive by boat. The way this insidious policy will work is that asylum seekers processed on Nauru that are found to be genuine refugees—that is, have a well-founded fear of persecution on account of his or her race, religion, nationality, membership of a particular social group or political opinion—will be resettled in the US while refugees intercepted by the US and taken to Guantanamo Bay will be resettled in Australia.

The deal has been described as strange, bizarre, illogical, murky and dark. However, I believe that this policy is well thought out in order to achieve the desired outcome by the agreed countries. I believe that, far from being ad hoc, this policy—which has been in the pipeline since 2002, when Ruddock dismissed the agreement as merely unfounded rumour—is calculated and follows a logic which prioritises an aggressive border protection policy over any protection considerations accorded to asylum seekers and refugees.

The immigration policy under the Howard government not only has been grossly inhumane but also has undermined Australia's obligations under various UN conventions. The Pacific solution is bad enough; asylum seekers have endured inhumane conditions with inadequate protection in relation to the determination process, which denies asylum seekers access to independent legal advice and judicial oversight.

Many genuine refugees have been held in limbo on Nauru—some for up to five years. Australia refuses to settle them in Australia and has not found another country willing to take them. Under this policy the US will be accepting around 200 refugees a year, processed on Nauru, but Australia, in turn, will receive the same number of Cuban refugees.

Since the issue cannot be one concerning the number of asylum seekers to be settled in Australia, the only plausible rationale for swapping Cubans with, say, Sri Lankan or West Papuan refugees is the reduced likelihood of networks of family and friends. Thus this policy is seen to act as a deterrent. The bizarre rationale used by the immigration minister, Kevin Andrews, is that this refugee swap with the US will deter asylum seekers from using people smugglers to gain residence in a preferred destination. That rationale just will not work and is ridiculous. I assume that fleeing persecution is any asylum seeker's top priority. Entering a Western safe country is their hope; whether that is in Australia or the US is probably irrelevant.

This process undermines three basic elements of the refugee convention. First, an asylum seeker may not be punished on account of illegal entry in a country which they are seeking asylum. Second, refugees are not to suffer punishment as a means of deterrence. Third, the principle of non-refoulement requires that a refugee cannot be returned to their country of origin if found to be a genuine refugee.

I say this because the refugees sent to the US will not receive any assistance and there will not be any follow-up checks to see if their refugee status is adhered to. The immigration department has justified this process, as it claims it is cheaper than deporting involuntary returns—that is, failed asylum seekers. However, these refugees would not replace involuntary returns; if the refugees are being sent to the US, that means they have been found to be genuine refugees.

If the immigration ministry is after regional solutions to this regional problem, this policy just does not add up. This process cannot even be described as a “burden sharing” option—an approach commonly taken by the EU to equal out unequal numbers of refugees in various countries. How is the burden shared if we are exchanging equal numbers of refugees? And, far from being inexpensive, this process is likely to cost millions of dollars.

This completely nonsensical, complicated and extremely expensive policy is one of the most astonishing policies of this completely uncompassionate federal government. On 24 April the immigration minister launched its new program entitled “Systems for people”. When the immigration department views asylum seekers as people, and not pawns in their dirty political game, please let me know.

## ACT governance

**MR PRATT** (Brindabella) (6.17): Tonight I rise to talk about good governance and the look of the ACT landscape. I have a question about just how good Mr Stanhope's good governance is. Today the Chief Minister was bragging about his wonderful initiatives in the arts programs here in the ACT. I think he said they were the best initiatives taken for quite some time, or something like that. I wonder whether he meant graffiti art, Mr Speaker. Is that what he was talking about?

The urban landscape is a disgrace. Private property and public property are adorned with so-called graffiti art and art murals. Let me table an interesting photograph which is a bit of a double whammy. Here we have a great example of the Chief Minister's good governance in the promotion of graffiti art. Indeed, we have the Chief Minister's arboretum sign well and truly graffitied. I seek leave to table this photograph.

**Ms Gallagher:** What is it of?

**MR PRATT:** It is a photograph of the arboretum sign graffiti which I think is a disgrace. It needs to be recorded in this place.

Leave not granted.

**MR PRATT:** Mr Speaker, let it be recorded—let it be known—that the government members were shaking in their boots and too frightened to see the by-product of the Chief Minister's encouragement of "art" in the ACT.

I now turn to a great example of good governance in the desecration of Woden cemetery. As a consequence of the "good governance" of Mr Stanhope and Mr Hargreaves, we have an apparent lunatic decision to approve an "art mural"—graffiti art—on the Justinian Street bridge at Eddison Park, which is the entrance way to the Woden cemetery. Let me read a small sample of letters in support of my action to remove that. One reads:

I, like many residents in Canberra, have loved ones interred in Woden Cemetery and I am deeply offended by the actions of some officious bureaucrat giving approval to the spraying of graffiti at the entrance to the cemetery, which is what Justinian Street is. How dare they?

That is from a lady who visits the cemetery regularly. And there was this letter to the *Canberra Times*:

I am grateful to Pratt for removing the graffiti art from the entrance to the cemetery, an obscenity promoted by some and endorsed by the Stanhope government as art. This is no place to promote this kind of vandalism.

Another writer says:

Canberra is a beautiful city that is tarnished by the amount of graffiti on public buildings and road signs. A simple drive to work in the morning and we are presented with some absolutely disgusting scribble by people who believe it is their democratic right to scrawl on someone else's property.

That is the sentiment. It could well be argued that the number of art murals and zones which are supposedly prescribed for that purpose have got a tad out of control.

Here we have the Stanhope government. Good governance? Examples of this “good governance” are, first, that the government failed to clean graffiti quickly and, second, that they failed to catch long-term recidivist offenders. We have got a couple of taggers out there who have been tagging for four years and have never been caught. For four years the same tagger has gone up and down Athllon Drive, Hindmarsh Drive and Adelaide Avenue, and he has not been caught. A third example of this “good governance” is that the government fails to ensure that hallowed ground is not affected by graffiti or graffiti art. What lunatic allowed the entrance way to Woden cemetery to be used for an art mural? A fourth example is “good governance” that encourages the graffiti art culture to thrive in this town—encourages their democratic right to spray, and stuff the rest of the community.

### **Nigeria—elections**

**MS MacDONALD** (Brindabella) (6.22): Mr Speaker, you would be aware that in the last month elections have been held in Nigeria—a place that you and I both went to last year. It is important to talk about these elections; although they have no direct implication for the people of the ACT, they have major importance for perhaps some 140 million plus people living in Nigeria. That was the number in the 2005 census, but when I was there in September I heard that the population was anywhere up to 180 million people. Nigeria is a massive country, with massive wealth which is unfortunately disproportionately held by a very small number of people in the country. The United States Institute of Peace says this about why the 2007 elections are important:

The 2007 elections are critical to the future of Nigerian democracy for a number of reasons. This will be the first time a third consecutive general election has taken place in the country. The military overthrew both the First and Second Republics after heavily rigged and acrimonious second-consecutive elections took place in 1965 and 1983, respectively.

Nigeria did actually make it to the elections despite much concern about interracial tensions, inter-religious tensions and tensions between people from different parts of the country. There were fears that, because of all of those tensions, Nigeria would not make it to the elections, but they have managed to have their elections. However, there is a question as to how successful those elections are. It could well be said that the elections were not a success. The European Union—

*Opposition members interjecting—*

**MS MacDONALD:** Maybe Mr Pratt would like to take his conversation outside, Mr Speaker.

**MR SPEAKER:** Order, members! Ms MacDonald has the floor.

**MS MacDONALD:** The European Union Election Observation Mission, EUEOM, faulted the conduct of the general elections. Amongst other things, they said that the

elections were marred by poor organisation, lack of essential transparency, widespread procedural irregularities and significant evidence of fraud, particularly during the result collation process. At least 200 people, including candidates and policemen, it said, were killed in election related incidents. It added that thugs were widely used to create a significant degree of fear and intimidation. It noted that the quality of final voter registration was poor and included under-age voters, double entries and missing and blurred pictures of voters.

We are talking about a country that has the largest population in the African continent. Amongst the African countries, pretty much all of the oil wealth is held within Nigeria. We are not talking about a poor country. Here we have a country which has massive oil wealth and massive mineral wealth, yet it is a country in which basic standards of living which you and I take for granted are not provided. And more than that, even people at the wealthier end of the market, at the privileged end of the market, suffer. Businesses cannot run effectively unless they have generators, because there are continuous blackouts. The basic tenet of progression in the country of Nigeria is providing political representation.

I think there is hope for the future, because the elections have gone forward. Hopefully, between now and the next elections, which I think will be held in 2011—they are held every four years—they will fix the situation up.

Question resolved in the affirmative.

**The Assembly adjourned at 6.27 pm until Tuesday, 29 May 2007, at 10.30 am.**

## Schedules of amendments

### Schedule 1

#### Financial Management Amendment Bill 2007

##### Amendment moved by the Treasurer

**1**

**Clause 4**

**Proposed new section 16A (1) and (2)**

**Page 2, line 12—**

*omit proposed new section 16A (1) and (2), substitute*

- (1) This section applies if—
    - (a) an employee entitlement exists in relation to an entity in a financial year; and
    - (b) the total amount of employee entitlements paid, or required to be paid, by the entity in the financial year exceeds the amount appropriated for the entity in relation to employee entitlements for the financial year.
  - (2) The Treasurer may, in writing, authorise an appropriation for the entity for the amount that the total amount paid, or required to be paid, in the financial year exceeds the amount appropriated for the entity for the financial year.
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### Schedule 2

#### Government Procurement Amendment Bill 2007

##### Amendment moved by Mr Mulcahy

**1**

**Clause 19**

**Proposed new section 22A (3) (a)**

**Page 2, line 12—**

*omit*

and ethical behaviour

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## Answers to questions

### Hospitals—coronary care (Question No 1468)

**Mr Smyth** asked the Minister for Health, upon notice, on 28 February 2007:

- (1) How many staff in the various health professional categories worked in coronary care wards in the ACT's public hospitals as at 31 December 2006;
- (2) What changes have taken place in the (a) number and (b) types of staff who work in coronary care wards over the past four years;
- (3) Have there been any further changes in the staffing of coronary care wards since 31 December 2006; if so, what changes have occurred;
- (4) Have any changes been made to the work practices that have applied to the management of coronary care wards over the past four years; if so, when were these changes made and what did these changes involve.

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

- (1) The Canberra Hospital coronary care unit had access to 12 doctors at 31 December 2006, comprising five staff specialists, one visiting medical officer, four medical registrars and two junior medical officers. Coronary care services at Calvary are provided in the joint Intensive Care/Coronary Care unit. This unit has access to six doctors full time, comprising four medical registrars, one senior medical registrar and senior specialist who is the director of the unit.

At 31 December 2006, The Canberra Hospital employed 33 full time equivalent registered nursing positions across the Coronary Care, Cardiac Catheter Laboratory and Cardiac Rehabilitation Unit. In addition to these nurses, each of the coronary care services employed a Clinical Nurse Consultant to manage the nursing staff for each shift. The Calvary intensive care/coronary care unit employed a total of 29.7 full time equivalent nursing positions.

- (2) There has been no change to nursing numbers over the last four years at The Canberra Hospital. At Calvary, nursing full time equivalent positions have increased within the intensive care/coronary care unit from 21.82 in February 2003 FTE Nursing staff to 29.7 FTE positions in March 2007. Medical staff numbers have remained constant.
- (3) No.
- (4) Practice changes in the Cardiac Catheter Laboratory over the past four years have been significant and have been a major contributor to improved patient outcomes and decreased length of stay of all CCU patient groups.

Over the past four years, the increased use of interventional cardiology services has changed the way in which coronary artery disease is managed.

### **Hospitals—equipment disposals (Question No 1469)**

**Mr Smyth** asked the Minister for Health, upon notice, on 28 February 2007:

- (1) What is the dollar value of equipment disposed of by ACT public hospitals because it had reached, or would soon reach, its expiration date for (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005, (e) 2005-2006 and (f) 2006-2007 to date;
- (2) What are each of these pieces of equipment and how many items of each were disposed of in the years listed in part (1);
- (3) What inventory controls are in place to minimise this waste;
- (4) When were these controls last reviewed for effectiveness;
- (5) How many weeks and/or days prior to each piece of equipment expiring is it known that the equipment is surplus to the hospital's needs and will most likely expire;
- (6) What action has the Government taken to transfer excess equipment, either between ACT hospitals or to other hospitals and health services in Australia or overseas, when it becomes apparent that it is surplus to the individual hospital's needs.

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

The information I am providing is for ACT Health facilities and does not include the Little Company of Mary facilities run on behalf of ACT Health as those facilities' assets are not on the ACT Health Asset Register.

The information is for the financial years 2002-03 to current. It does not include archived data from 2001-02. I am advised that the information sought for the 2001-02 financial year is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources for the purposes of answering that component of the Member's question.

The information provided in response to questions 1 and 2 is for assets only, that is items greater than \$5,000. Items costing less than \$5,000 are treated as consumables, being expensed at time of purchase.

- (1,2) The attached lists detail items written off from the ACT Health asset register for the years 2002 to current. Both the purchase price and written down value of the assets is shown. As would be expected, the dollar written down value of these items at the time of disposal is, in most instances, zero.
- (3) ACT Health has an asset management plan in place for equipment over \$5,000. The ACT Health asset management plan incorporates policy, guidelines and tools to enable condition assessments to take into consideration criticality, utilisation, functionality and presentation of the assets. A risk assessment is made taking into consideration effective condition and failure modes such as safety, technological obsolescence, serviceability and cost effectiveness.

The assets are prioritised and ranked for replacement according to risk. The risk analysis matrix used within ACT Health considers consequence and likelihood of failure in line with the AS/NZS 4360:1999 standard and ACT Procurement Guidelines.

- (4) The asset management program has been reviewed and updated over the past 2 years to fit in with the Whole of Government strategy for asset management. The policy and guidelines are reviewed annually.
- (5) This is covered in my answer to question number (3) and in addition to this the Plant and Equipment Committee prioritise the replacement of equipment and this facilitates the expiry process.
- (6) In most instances, items of ACT Health equipment that have been deemed to be surplus have passed their useful life, and are either not clinically or commercially useful for other organisations and are written off and disposed of according to waste management guidelines. Any equipment that may be useful to others is offered for transfer at the recipient's costs. Recent examples of this have been to non government or charitable organisations operating in third world environments including East Timor and Africa.

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

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### **Calvary Public Hospital—x-ray facilities (Question No 1470)**

**Mr Smyth** asked the Minister for Health, upon notice, on 28 February 2007:

- (1) Further to the answer to question on notice No 1426, are x-ray facilities available for use by all departments at Calvary Public Hospital in all circumstances where an x-ray is deemed appropriate for all patients on a 24 hour basis for seven days each week; if not, (a) for which departments, (b) in what circumstances and (c) at what times are x-ray facilities not available;
- (2) Have there been any circumstances in the past six months where patients have been sent to another hospital, or patients have been asked to return to Calvary at a later date, in order to have x-rays taken; if so, how many patients have been affected and what were the circumstances for each patient;
- (3) If at any time x-ray facilities have not been available at Calvary Public Hospital (a) what action has been taken to ensure that x-ray facilities are always available and (b) if such action is planned, when will this action be finalised.

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

- (1) X-ray facilities are available for use by all departments at Calvary Public Hospital in all circumstances where an x-ray is deemed appropriate on a 24 hour basis, seven days a week.
- (2) In the last six months there have been no transfers of patients to another hospital due to unavailability of x-ray services where the radiological test was urgent.

There would be between 1-3 patients each day who would be discharged from the emergency department at Calvary and asked to return the following day for a radiological investigation (plain films, ultrasounds, computed tomography). These investigations are necessary for ongoing management of a patient's condition but are not urgently required at the time of presentation.

One patient was sent to The Canberra Hospital for review by an orthopaedic surgeon without an x-ray being taken at Calvary. The patient was referred directly to The Canberra Hospital the following morning to complete both the x-ray and orthopaedic consultation. The patient was managed appropriately for their pain and condition.

- (3) There is no time that x-rays are not available for urgent and/or appropriate cases.

### **Wollemi pines (Question No 1472)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007 (*redirected to the Chief Minister*):

- (1) Is it a fact that to ensure the Wollemi pines planted in the Arboretum are protected against disease such as *Phytophthora* and *Botryosphaeria* and have the best chance of maturing, the site to be planted with the pines should be free of pathogens and that movement of large amounts of soil in that area should be kept to a minimum;
- (2) At what stage is the ACT Government at in regards to the planting of the 1000 Wollemi pines;
- (3) What steps is the ACT Government taking to ensure the pines are and remain disease free;
- (4) Can the Minister provide a copy of all relevant documents.

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

- (1) The site for the planting of Wollemi pines at the Canberra International Arboretum and Gardens has been tested for *Phytophthora* and none has been found. This site has been prepared for planting and, given the improvement in rainfall and therefore in ground moisture, it is planned that the 1000 Wollemi be planted in April 2007.

Any soil being relocated in the ACT must meet the requirements of the Environment Protection Agency to obtain approval. The EPA has approved the process of soil absorption onto the site. This soil is being placed next to but not at the site for the Wollemi pines. The soil being taken to the site has been tested and does not show the presence of *Phytophthora*.

I understand that *Botryosphaeria* is a fungal endophyte existing within plants without necessarily causing any symptoms. Generally it only becomes a problem when plants are stressed through environmental stressors such as heat, dry winds, excessive exposure to sun and pollution. It is not a problem related to the importation of soil.

Possible stress on the pines arising from the 2006 drought conditions was addressed by postponing planting until April 2007 when the ground moisture is likely to have improved. The pines will be planted with shade protection, mulch and establishment irrigation to support healthy growth.

- (2) The ground has been prepared and fenced and the pines are planned for planting in April 2007.
- (3) See (1) above. It is expected that the management of the Arboretum may involve appropriate testing from time to time.
- (4) The information obtained to date is provided in (1) and (2) above. My Department does not have the clearance of the authors to release the documents at this stage, but the Department would be happy to provide a briefing on this matter and to provide other information about the Arboretum.

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### **Celebrate in the Park—performers (Question No 1473)**

**Dr Foskey** asked the Chief Minister, upon notice, on 28 February 2007 (*redirected to the Minister for Arts*):

- (1) What are the contract prices, inclusive of GST, of (a) Rogue Traders, (b) Thirsty Merc and (c) Choirboys for “*Celebrate in the Park*” 2007;
- (2) What were the contract prices for all other musicians performing at “*Celebrate in the Park*” in (a) 2005, (b) 2006 and (c) 2007;
- (3) What were the total budgets for hiring musicians in the years listed in part (2);
- (4) Has the amount of money allocated to hire Canberra bands for “*Celebrate in the Park*” increased or decreased in the period 2005-2007 (a) in actual dollars and (b) as a percentage of the total expenditure on musicians;
- (5) What is the process (a) by which headlining musicians are chosen, (b) by which supporting and local musicians are chosen and (c) of fee negotiation;
- (6) Does the Special Events unit (a) make use of the expertise of the ACT Cultural Council, artsACT, or MusicACT in choosing performers and (b) take value for money into consideration in choosing headlining acts;
- (7) What is the Special Events unit policy on supporting ACT musicians during “*Celebrate in the Park*”;
- (8) Does the Special Events unit consider the discrepancy between local and headlining performers’ fees reasonable and appropriate for a music event purporting to celebrate Canberra.

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

(1)

- a. Rogue Traders - \$55,000
- b. Thirsty Merc - \$27,500
- c. Choirboys - \$9,900

(2)

- a. Killing Heidi - \$28,600
  - The Whitlams - \$24,750
  - Los Capitanes - \$1,000
  - Jake Roff - \$200
  - Linda Hansen - \$400
  - Zootster - \$2,420
  - Diane Mason - \$2,420
  - Ashleigh Mannix - \$220
  - Hayley Jensen - \$5,500
  - Vince Gelonese Band - \$2,420
- b. Alex Lloyd - \$36,300
  - Something for Kate - \$36,300
  - Beccy Cole - \$11,500
  - Tempermental - \$924
  - Jake Roff - \$330
  - Mistin - \$330
  - Quagmire - \$440
  - Tuchasoul - \$1,320
  - Night Train - \$1,155
  - Casual Projects - \$1,430
  - Tripitide - \$1,045
  - Ashleigh Mannix - \$550
- c. Rogue Traders – as above
  - Thirsty Merc – as above
  - Choirboys – as above
  - Meatbee - \$1,100
  - The Boys - \$880
  - Los Chavos - \$770
  - The Cashews \$330
  - The Nude Ants \$770

(3)

- a. \$67,930
- b. \$91,624
- c. \$96,250

(4)

- a. Decreased
- b. Decreased

Please note the program has become shorter over the three years, taking into account other considerations such as heat.

This does not take into account expenditure on other performers such as children's entertainers and street theatre.

(5)

- a. The decision was made in consultation with the events major sponsor, ACTTAB, who fully fund the event, and local and interstate entertainment booking agents.
- b. In consultation with a local booking agent and by consulting the ACT Government Performers' Database.
- c. Negotiation is carried out by the entertainment booking agents.

(6)

- a. No
- b. Yes

(7)

The Special Events unit has a policy of supporting local artists at *Celebrate in the Park* through providing the opportunity for local artists to perform on Stage 88 with major Australian performers.

There is no policy on the proportion of the budget spent on local entertainment or what proportion of the program is provided by local musicians.

Local musicians are paid commensurate with accepted rates in the sector which is in line with the ArtsACT guidelines on artists' fees (ArtsACT Fund Information Booklet) and in addition are provided with professional sound and lighting services, dressing rooms and refreshments.

(8)

Yes.

### **Business—credit card breaches (Question No 1475)**

**Dr Foskey** asked the Attorney-General, upon notice, on 28 February 2007:

- (1) How many breach reports has the Office of Fair Trading received in regards to the Credit Card Code in (a) 2005, (b) 2006 and (c) 2007 to date;
- (2) What steps are taken in response to a breach report;
- (3) Can any relevant statistics be provided regarding the Office's response to breaches, for example, actioned or not actioned, for (a) 2005, (b) 2006 and (c) 2007 to date.

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

- (1) Breaches of Section 28A of the *Fair Trading Act 1992* reported to the Office of Fair Trading for (a) 2005 - Nil (b) 2006 - One (c) 2007 - Two.
- (2) The matters that have been brought to the attention of the Office of Fair Trading have either come from the Consumer Law Centre (which is part of Care Financial Counselling Service) or reports of the Banking Industry Ombudsman. The matters are reviewed to determine, having regard to any other action that has been taken in response to alleged breach/s, or is proposed to be taken either by the credit provider or

the Banking Industry Ombudsman, whether further action or investigation might be warranted by the Commissioner for Fair Trading.

The Office of Fair Trading undertook a major review of compliance with Section 28A in 2003 and was satisfied with the levels of compliance at that time. A further, more broadly based, audit of credit and finance broker compliance was undertaken in 2006/2007. No non-compliant activity was identified as a result of the audit.

- (3) No further action was taken in relation to the matter reported in 2006. Inquiries remain underway in relation to the two matters referred to the Office in 2007.

### **Planning—responsibilities (Question No 1476)**

**Dr Foskey** asked the Minister for Planning, upon notice, on 28 February 2007:

- (1) Is it a fact that as a result of the Planning and Land Council becoming defunct, community councils have now picked up many responsibilities once held by the Planning and Land Council;
- (2) In what manner did the ACT Government consult with community councils before deciding to disband the Planning and Land Council, especially in regards to its responsibilities, and what were the results of this consultation;
- (3) What responsibilities have shifted from the Planning and Land Council to community councils;
- (4) What level of new funding or resources is the ACT Government providing to community councils to cope with these new responsibilities.

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

- (1) No. The role of the former ACT Planning and Land Council was to enhance the ACT Planning and Land Authority's independent decision-making role by providing it with expert advice through the referral of significant proposals.

The Authority's community engagement arrangements with Community Councils were established in 2004-05 to provide for better coordination of high-level non-statutory consultation. This was essentially consistent with the recommendations of the 2004 review conducted by Dr Meredith Edwards and the National Institute for Governance, *Review of Community Engagement in ACT Planning*.

A copy of the arrangements as proposed to the Councils is provided for the information of the Member in the attachment

- (2) The decision to discontinue the Planning and Land Council from 1 July 2006 was as a result of the ACT Government's 2006-07 Budget decisions to meet projected budget savings across government. It was not a requirement of government to consult with Community Councils in its decision, as there has been no change to the arrangements between the Planning and Land Authority and the Community Councils.

Community Councils were informed of the decision to discontinue the Planning and Land Council.

- (3) No responsibilities have shifted from the Planning and Land Council to Community Councils.

Responsibilities of Community Councils have not changed as a result of the cessation of the Planning and Land Council. Community Councils have a non-statutory role on providing comment on significant development applications and policy proposals where they feel it appropriate to do so.

- (4) There are no new responsibilities for Community Councils. The Councils are provided with an annual grant of \$4,000 to support participation by the community in Community Councils' planning and development activities and to communicate to the ACT Planning and Land Authority the views, expectations and concerns of community members.

Community Councils are also represented on the Planning and Development Forum. The Forum was restructured following the consideration of the recommendations of the Institute for Governance report *Review of Community Engagement in ACT Planning*.

The focus of the Forum is "to provide strategic comment on planning and development policy to the ACT Government and the ACT Planning and Land Authority". The Forum also provides valuable assistance the Authority and the Minister in evaluating policies including responses to community and industry consultation processes.

Membership of the Planning and Development Forum is as follows:

- three representatives from industry groups – Master Builders Association, Housing Industry of Australia, and Property Council of Australia;
- three representatives from professional groups – Royal Australian Institute of Architects, Planning Institute of Australia and Australian Institute of Landscape Architects;
- representatives from the Conservation Council of the South East region and Canberra and ACT Council of Social Service; and
- Chairs of the Community Councils (or Council nominees).

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

### **Planning—inspections (Question No 1477)**

**Dr Foskey** asked the Minister for Planning, upon notice, on 28 February 2007:

Was the permission of the owner or resident sought and/or received when a Planning and Land Management inspector entered block 3, section 158 Kambah to take photos on 13 September and 10 October 2002.

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

I am advised that upon reviewing the files to respond to this question the ACT Planning and Land Authority (the Authority) has determined that a small number of

photographs were taken from within the block boundary and that this is unlikely to have occurred with the owner's permission. This contradicts evidence previously provided to the Ombudsman's office, who the Authority will be writing to advise of this latest development. The Authority is investigating the actions of an officer in respect to this matter, who has since left the public service.

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### **Development—Molonglo (Question No 1478)**

**Dr Foskey** asked the Minister for Planning, upon notice, on 28 February 2007:

- (1) Why isn't the planned development at Molonglo located in areas that are already cleared;
- (2) What advice did the Minister receive to assure him that the integrity of the aprasia habitat would be maintained;
- (3) What vegetation and habitat will be encompassed within the dam and what is its significance;
- (4) What plans are in place to mitigate against the direct and indirect impacts of the development on the river.

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

- (1) A significant part of the proposed development is located in areas that are already cleared, being areas of former pine forest destroyed in the 2003 fires, and rural areas that have been grazed over many years. Almost all of East Molonglo, which constitutes the largest development area, is located in cleared areas. The other two areas, being Central and West Molonglo, are located on both cleared and uncleared land, most of which is currently grazed.
- (2) I have been fully apprised of the impacts that urban development, including inundation by the proposed lake, may have on the *Aprasia parapulchella* (pink-tailed worm lizard). I am satisfied that the vast majority of the habitat of this species will be retained outside the proposed development area. Importantly, proposed urban development will not interrupt the potential for gene flow between populations in the Molonglo River and the Murrumbidgee River.
- (3) The vegetation encompassed by the proposed lake includes low quality riparian vegetation upstream of Coppins Crossing, which is highly degraded, infested with weed species (willow, hawthorn and blackberry) and generally considered to be of poor quality. Also inundated is a reach of medium quality riparian vegetation downstream of Coppins Crossing to the proposed dam wall, which includes native vegetation such as river she-oak and black cypress pine. The prominent area of high quality vegetation associated with the Molonglo River riparian environment is downstream of the proposed dam wall, and will not be affected by inundation or urban development.

Key habitat encompassed by the proposed lake includes riparian habitat for the pink tailed worm lizard (*Aprasia parapulchella*) and raptor habitat. The *Aprasia* habitat area inundated by the proposed lake accounts for only 2.8% of the total habitat in the Molonglo Valley. Furthermore, the area affected is near the eastern end of the lizard's

range, so unaffected populations downstream of the dam will still retain important genetic links to populations of the Molonglo and Murrumbidgee rivers downstream. Raptor habitat affected by the proposed lake includes 1 Wedge-tailed Eagle nest and 1 Brown Falcon nest. Both species are widely distributed in Australia and common in the Canberra region. The majority of habitat for the raptor community in the Molonglo Valley is located outside proposed urban development areas, particularly in the Molonglo gorge area, downstream of the proposed dam wall.

While some areas of habitat and vegetation will be lost in order to provide critical components of the project (such as the lake as part of the overall stormwater management strategy), new habitat will be created elsewhere in the development (eg. in and around the lake and Weston Creek pond and within drainage corridors).

(4) Plans are currently being prepared to mitigate against the direct and indirect impacts of development on the river, and importantly, to improve the river environment in terms of water quality and quantity, biodiversity and recreation value. These initiatives include:

- the proposed lake will improve water quality in the Molonglo River by treating stormwater from the urbanised catchments of Western Creek and Yarralumla Creek, as well as the proposed urban areas of East Molonglo;
  - off-line ponds in the Central and Western area to protect water quality in the Molonglo River;
  - an on-line pond on Weston Creek to treat stormwater run-off (currently untreated) from Yarralumla and Weston Creeks as well as the initial stages of the proposed development;
  - leading practice water sensitive urban design (WSUD) principles at all levels of the development (block, neighbourhood, catchment) to protect and enhance water quality in the Molonglo River;
  - the potential to provide environmental flows below the dam wall to protect and improve water quality downstream;
  - protecting natural drainage lines and incorporation of these into the development as urban open space;
  - minimising water use in the development and reticulation of non-potable water;
  - ensuring urban development is set well back from the river edge by a landscape buffer to minimise potential edge effects;
  - ensuring the river and lake will be a resource enjoyed by all the community through appropriate recreation access; and
  - provision of habitat for aquatic life and foraging habitat for birds and amphibious species by the construction of a large water body.
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### **ACTION bus services—complaints (Question No 1479)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) What were the number of recorded complaints about ACTION bus services in each month from June 2006 to February 2007;
- (2) Is the Minister able to provide a breakdown of the nature of each complaint.

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

<b>Month</b>	<b>Specific Route/ Service Feedback / Request</b>	<b>Overall Network Feedback / Request</b>	<b>Total</b>
June 06	31	30	61
July 06	41	34	75
Aug 06	67	30	97
Sept 06	48	29	77
Oct 06	34	39	73
Nov 06	31	128	159
Dec 06	35	315	350
Jan 07	42	123	165
Feb 07	253	188	441

- (2) I am not prepared divert the amount of resources from ACTION's operations area required to answer the detail of this question.

### **Greenhouse gases (Question No 1480)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) Has the ACT Government considered, or will it consider, regularly estimating and publishing an ACT greenhouse gas indicator similar to that in Victoria which can be accessed at [http://beta.theclimategroup.org/special\\_projects/the\\_greenhouse\\_indicator/](http://beta.theclimategroup.org/special_projects/the_greenhouse_indicator/)
- (2) Does the ACT Government currently use or compile information for indicators of the ACT's level of greenhouse gas being emitted; if not, why not; if so, where are they publicly available.

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

- (1) Yes. My Department is working closely with ActewAGL in their capacity as electricity and gas distributor to develop an emissions indicator customised to the ACT.
- (2) The ACT has measured its annual greenhouse gas emissions on a regular basis for many years. This data is released in the form of an Emissions Inventory and

highlighted in public documents such as the *Greenhouse Strategy 2000* and *People, Place, Prosperity* (the Government's sustainability statement).

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### **Upper Murrumbidgee Catchment Coordination Committee (Question No 1482)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) Is it a fact that the Upper Murrumbidgee Catchment Coordination Committee has been directed by the ACT Government to manage its own funds from the National Heritage Trust in the future although this has been the responsibility of the ACT Government for many years;
- (2) How much did it cost the ACT Government to manage these funds in (a) 2004-05 and (b) 2005-06;
- (3) How much is the ACT Government expecting to save by not managing these funds in (a) 2006-07 and (b) 2007-08;
- (4) Was the ACT Government contributing to better communication and coordination of management between NSW and ACT by managing this funding;
- (5) How will the ACT Government compensate for the loss of the advantage as mentioned in part (4).

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

- (1) It is incorrect to state that the Upper Murrumbidgee Catchment Coordination Committee Inc. (UMCCC) has been directed by the ACT Government to manage its own funds from the National Heritage Trust (NHT) in the future. On 10 November 2006 the UMCCC signed a Deed of Grant with the ACT Government for NHT funding for the support of an UMCCC Coordinator. The UMCCC decided that as the recipient of NHT funds it should manage the funds within its accounting system. This is in line with all other incorporated bodies that are NHT funding recipients in the Territory. It is understood that the UMCCC chose to manage the NHT funding using the same systems in place for the management of funds from other programs.
  - (2) Costs to ACT Government to administer the funds to the UMCCC in 2004-05 and 2005-06 were minimal. These funds are one of a number of NHT funds administered by an officer and comprise a small amount of the officer's time.
  - (3) Costs to ACT Government to administer the funds it receives from the Commonwealth, and to pass these funds on to the UMCCC in accord with the Deed in 2006-07 and 2007-08 will be minimal. It is not intended nor anticipated that there will be savings made from the changed arrangements.
  - (4) The changed funding arrangements will not affect the communication and coordination of management between NSW and the ACT.
  - (5) There will be no loss of advantage as mentioned in part (4).
-

**Waste disposal—recycling  
(Question No 1483)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) What plans are in place to make recycling facilities a permanent fixture in Civic and other town centres given the success of recycling at the Multicultural Festival;
- (2) To where is e-waste such as computers and associated paraphernalia collected at ACT tips sent;

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

- (1) The Department of Territory and Municipal Services, in partnership with the Australian Packaging Stewardship Forum, is currently conducting a trial of public place recycling in Glebe Park. Once this trial has been completed an assessment will be done to determine the feasibility of extending recycling facilities to other public places.
- (2) The ACT is the first and only jurisdiction to require residents to recycle computers. In the ACT, users pay to dispose of computers. The 2006-07 disposal fees are \$15 per computer box and \$20 per monitor. The fee covers most of the cost of recycling which is a complicated and expensive process.

Computers are currently sent to a company in Melbourne where they are dismantled manually. The company is able to recycle 90% of computer components. Each computer is dismantled, and the parts are sorted for recycling or reuse. Plastics and steel are sent to subsidiary companies within Australia for recycling. Monitors have the steel shield removed and the glass is sent to a company in Holland. Printed boards are exported to the USA for recycling.

The ACT Government along with other Governments and representatives from the IT industry in Australia are jointly looking at better ways to ensure that computers are recycled, such as takeback schemes where the recycling cost is built into the purchase price.

On the question of E-waste more generally, such as televisions and electronic organisers, the ACT Government encourages their reuse through recycling centres and initiatives such as Second Hand Sunday where reusable goods can be donated and collected for free. Second Hand Sunday this year fell on 1 April.

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**Water—extraction permits  
(Question No 1484)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) How many permits/licences have been issued to extract water from ACT lakes, rivers and ponds from July 2006 to date;

- (2) Who are the permits/licences issued to and for what purpose;
- (3) How many litres of water can be extracted within the parameters of each permit;
- (4) How often do these permits need to be renewed;
- (5) How are the permit applications assessed before approval.

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

- (1) Five
- (2) All licences issued from July 2006 are for the purpose of irrigating urban open space (parks, gardens and public recreation areas). Details of licences issued are given in the table below.

<b>Licence number</b>	<b>Business Name</b>	<b>Annual volume (ML)</b>	<b>Approved</b>
474	ACT Government (C/O Territory Venues and Events, TAMS)	67	19/09/2006
475	ACT Government (C/O Land Development Agency and Parks Conservation and Land)	16	25/09/2006
476	ACT Government (C/O Land Development Agency and Parks Conservation and Land)	5	25/09/2006
492	Forde Developments Pty Ltd (A joint venture between ACT Government and CIC Investments)	37	04/12/2006
498	ACT Government (C/O Strategic Priorities, CMD)	10	22/01/2007

- (3) Annual amounts are specified in table above.
- (4) Currently licences are issued for a period of a year.
- (5) When considering granting a licence the Water Resources Act 1998 requires the Environment Protection Authority to consider;
  - (a) the applicant's environmental record both in the Territory and elsewhere so far as it relates to water; and
  - (b) whether to grant the licence—
    - (i) would have an adverse effect on the environment; or
    - (ii) would adversely affect environmental flows of a particular waterway or aquifer or the rights of other water users; and
  - (c) whether the applicant has been convicted of an offence against this Act or a corresponding law of a State or another Territory; and

- (d) in the case of an application for a licence to take ground water—
- (i) whether the quantity of water available can meet the demand or there is a risk that the available water will not be sufficient to meet future demand; and
  - (ii) whether the taking of the water will or is likely to affect the quality of the water in the place to which the application relates.
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**Police and Citizens Youth Club  
(Question No 1485)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007 (*redirected to the Minister for Police and Emergency Services*):

- (1) What happened to plans to refurbish and upgrade the Police and Citizens' Youth Club (PCYC);
- (2) Why was the decision made to relocate the club to an outer suburb;
- (3) Is the land in Turner where the PCYC was located destined for sale;
- (4) If the land has been sold, (a) how much was raised, (b) who was it sold to and (c) what will the funds be used for;
- (5) Has the Government considered the possibility of assisting in the establishment of more than one such facility in the ACT.

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

- (1) The PCYC canvassed plans in the early 1990s to redevelop the Turner site. However, it was found that at that time the PCYC was not in the financial position to fund those plans and so the plans were not actioned.
  - (2) The decision was made after analysis of the demographic needs of the Canberra community for the ages of 12-25, the ability to fund the move and available premises within Canberra.
  - (3) No. There are no plans to sell the land.
  - (4) The land has not been sold.
  - (5) The PCYC is working in consultation with the government to achieve the best possible results for the Canberra community.
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**School closures  
(Question No 1486)**

**Dr Foskey** asked the Minister for Education and Training, upon notice, on 28 February 2007:

- (1) For continuing primary school students who in 2006 attended schools that have now been closed, what are the (a) schools they are presently enrolled in, (b) size of the schools they are enrolled in, (c) size of the classes they are enrolled in and (d) number of students for which this information is not known;
- (2) For 2006 preschool students whose preschools in 2006 fed into schools that have now been closed and who have now started in primary school, what are the (a) schools they are presently enrolled in, (b) size of the schools they are presently enrolled in (c) size of the classes they are enrolled in and (d) number of students for which this information is not known;
- (3) For the schools and preschools that are open in 2007 but are planned to close in the next few years, including Kambah High School and Cook Primary School, what is the (a) total enrolments for 2006 and (b) current enrolments;
- (4) For schools whose format has changed or is proposed to change significantly, for example from K-6 to P-2 or P-10, what is the (a) total enrolments for 2006, (b) current enrolments and (c) present school of students that might have remained enrolled but have left that school;
- (5) For receiving schools identified in parts (1), (2) and (4), (a) what is the total teacher numbers in 2006 and 2007, (b) what is the total class sizes in 2006 and 2007, (c) what type and what was the cost of upgrades to facilities or equipment since 1 July 2006 and (d) what additional maintenance since has occurred since 1 July 2006;
- (6) What is the number of teachers and principals not placed in ACT Government schools following the closure of schools in December 2006.

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

- (1a) Continuing primary school students from the schools that closed at the end of 2006 are now enrolled in the following ACT government schools:

Amaroo School  
Arawang Primary School  
Bonython Primary School  
Calwell Primary School  
Chapman Primary School  
Charnwood Primary School  
Chisholm Primary School  
Curtin Primary School  
Duffy Primary School  
Evatt Primary School  
Florey Primary School  
Forrest Primary School  
Fraser Primary School  
Garran Primary School  
Giralang Primary School  
Gold Creek School  
Gordon Primary School

Gowrie Primary School  
Hawker Primary School  
Higgins Primary School  
Holt Primary School  
Hughes Primary School  
Isabella Plains Primary School  
Kaleen Primary School  
Latham Primary School  
Lyneham Primary School  
Macgregor Primary School  
Maribyrnong Primary School  
Mawson Primary School  
Miles Franklin Primary School  
Narrabundah Primary School  
Ngunnawal Primary School  
Palmerston Primary School  
Red Hill Primary School  
Stromlo High School  
Taylor Primary School  
The Mount Rogers Community School  
Theodore Primary School  
Torrens Primary School  
Turner School  
Urambi Primary School  
Village Creek Primary School  
Wanniassa Hills Primary School  
Wanniassa School  
Weetangera Primary School  
Yarralumla Primary School

- (1b) The size of each of these schools is determined from the February 2007 ACT Government School Census. The February 2007 Government School Census figures will be published on the Department of Education and Training website at the end of March following auditing of the data.
- (1c) Class sizes are set at 21 students for kindergarten to year 3 classes. For years 4-6, class sizes generally range from 25 to 30 students per class.
- (1d) There are 78 students for whom this information is not known. These students may have moved interstate or overseas, or to non-government schools; in any given year a significant number of ACT families move interstate.
- (2a) In 2006 there were no identified feeder preschools for schools. It is not uncommon for students in a preschool to move or to enrol in another school of choice. Students enrolled in 2006 in preschools in close proximity to schools that have closed (Hall, Flynn, Chifley, Rivett, Weston Creek, Mt Neighbour and Tharwa preschools) attend the following schools:

Aranda Primary School  
Arawang Primary School  
Bonython Primary School  
Chapman Primary School  
Charnwood Primary School  
Conder Primary School  
Curtin Primary School  
Duffy Primary School  
Evatt Primary School  
Fraser Primary School  
Garran Primary School  
Hughes Primary School  
Latham Primary School  
Lyneham Primary School  
Macgregor Primary School  
Maribyrnong Primary School  
Miles Franklin Primary School  
North Ainslie Primary School  
Palmerston Primary School  
Red Hill Primary School  
Taylor Primary School  
The Mount Rogers Community School  
Torrens Primary School  
Urambi Primary School  
Village Creek Primary School  
Weetangera Primary School

This list is based on the information on previous preschool provided by parents when enrolling their child in school. This information is not available where the parent has not provided the data on previous preschool to the school.

- (2b) The size of each of these schools will be available from the February 2007 ACT Government School Census publication on the Department of Education and Training website.
- (2c) Class sizes are set at 21 students for kindergarten to year 3 classes.
- (2d) This information is not known for 112 students. This number includes those students for whom previous preschool is not available, as well as those students who may have moved interstate or overseas, or to non-government schools. In any given year a number of children who attended government preschools enrol in kindergarten in their local Catholic school.
- (3a) The total enrolments for August 2006 (Census of ACT Government Schools and Preschools) at the schools and preschools that are open in 2007 but are planned to close in the next few years are available on the Department of Education and Training website.

- (3b) The current enrolments for these schools and preschools will shortly be available from the February 2007 Census of ACT Government Schools and Preschools on the Department of Education and Training website.
- (4a) The total enrolments for 2006 at schools whose format has changed or is proposed to change significantly are available on the Department of Education and Training website.
- (4b) The current enrolments for these schools will shortly be available from the February 2007 Government School Census on the Department of Education and Training website.
- (4c) For schools whose format has changed or is proposed to change significantly, the present schools of students that might have remained enrolled but have left that school are as follows:

Arawang Primary School  
Bonython Primary School  
Calwell Primary School  
Calwell High School  
Evatt Primary School  
Fadden Primary School  
Florey Primary School  
Forrest Primary School  
Fraser Primary School  
Gordon Primary School  
Gowrie Primary School  
Hawker Primary School  
Holt Primary School  
Isabella Plains Primary School  
Kambah High School  
Lanyon High School  
Macgregor Primary School  
Melrose High School  
Miles Franklin Primary School  
Monash Primary School  
Red Hill Primary School  
Richardson Primary School  
Taylor Primary School  
Torrens Primary School  
Turner School  
Wanniassa School  
Weetangera Primary School  
Yarralumla Primary School

- (5a) For receiving schools identified in parts (1), (2) and (4), the total number of teachers in 2006 was 1259, and in 2007 is 1286. With reference to the numbers of teachers in schools, note that the teacher numbers provided here reflect the actual number of individuals not full time equivalents.

(5b) Class sizes are set at 21 students for kindergarten to year 3 classes. For years 4-6 class sizes generally range between 25 and 30 students per class.

(5c) The table below provides information on the type and cost of upgrades to facilities at the identified receiving schools since 1 July 2006. Schools listed as receiving schools (in answers to questions (1), (2) and (4) above) that are not listed below have not had any upgrades within the specified timeframe.

School Name	Type of Works	Expenses to 28 Feb 2007 (ex GST)
Aranda Primary School	Painting	\$34,658.56
Arawang Primary School	Roof safety/Roof upgrade New classroom Classroom upgrade	\$5,418.12 \$30,018.00 \$30,994.45
Calwell High School	Painting/Repairs	\$81,400.00
Chapman Primary School	New School Hall and classrooms	\$352,257.91
Charles Conder Primary School	Security fence Painting	\$5,352.92 \$94,544.57
Chisholm Primary School	Painting/repairs	\$5,058.33
Curtin Primary School	New classroom	\$123,756.27
Duffy Primary School	Relocation of special needs unit Glazing upgrade	\$139,725.49 \$13,276.85
Evatt Primary School	Ventilation improvements Student toilets upgrade	\$3,566.05 \$41,080.56
Fadden Primary School	Extra security devices Soft fall improvements special needs students play area	\$16,187.00 \$8,500.00
Florey Primary School	Security improvements Painting Landscaping	\$7,626.99 \$1,899.00 \$10,429.00
Fraser Primary School	Painting Landscaping	\$12,340.00 \$850.00
Garran Primary School	Painting and repairs Staffroom Landscaping	\$253,321.83 \$6,295.00 \$19,153.60
Gowrie Primary School	Glazing to transportable	\$8,899.00
Hughes Primary School	Relocation of special needs unit	\$115,331.43
Kaleen Primary School	Major electrical upgrade Student toilet upgrade Administration and hall upgrades	\$10,336.10 \$15,549.13 \$13,489.00
Lanyon High School	Electrical work	\$11,558.00
Latham Primary School	Electrical work Security lights Painting Landscaping Playground	\$3,240.00 \$20,690.82 \$29,950.00 \$22,356.00 \$79,180.46
Macgregor Primary School	Painting and repairs Minor school upgrade design work	\$49,594.00 \$7,140.00
Mawson Primary School	Heating improvements Painting/repairs	\$4,907.04 \$28,383.31
Melrose High School	Art room pre-construction work New gymnasium	\$600.00 \$1,530,233.00

Miles Franklin Primary School	Repairs to veranda Staffroom upgrade Carpark upgrade	\$19,606.07 \$7,599.04 \$7,316.36
Monash Primary School	Landscaping Glazing upgrade	\$592.42 \$55,994.40
Ngunnawal Primary School	Roofing improvements	\$3,506.00
North Ainslie Primary School	Security improvements Painting	\$34,144.72 \$18,589.00
Stromlo High School	Internal painting/ceiling tiles Glazing upgrade Minor school upgrade Transportable	\$161,461.32 \$49,075.10 \$261,536.00 \$47,295.00
Taylor Primary School	Internal lighting Landscaping	\$12,688.16 \$5,359.76
Torrens Primary School	Recladding and upgrade to heating system Canteen upgrade New classroom	\$86,798.00 \$117,077.18 \$114,233.29
Turner School	Lift installation for special needs student access	\$19,964.59
Urambi Primary School	Security devices Landscaping Relocation of special needs unit	\$5,707.24 \$7,375.43 \$86,776.20
Wanniassa School	Auto doors to improve access for students with special needs	\$9,876.56
Weetangera Primary School	Canteen upgrade	\$139,641.42

(5d) No additional maintenance occurred as a result of the Towards 2020 proposal.

(6) The number of teachers and principals not placed in ACT government schools following the closure of schools in Decembers 2006 is nil.

### **Department of Education and Training—staff numbers (Question No 1487)**

**Dr Foskey** asked the Minister for Education and Training, upon notice, on 28 February 2007:

- (1) What is the forecast reduction in staff numbers across the Department of Education and Training from 1 July 2006 to (a) 31 December 2006 and (b) 30 June 2007;
- (2) Of staff that have left the department, or handed in their notice, since 1 July 2006, what is (a) the actual number, (b) their level of experience and (c) the number that have (i) moved into the Commonwealth Public Service, (ii) taken up positions in other teaching services and (iii) retired;
- (3) How do these figures compare with staff losses in the preceding year;
- (4) Has any comprehensive exit interview process been undertaken by the department;
- (5) What is the number of staff that cite, as a factor in those decisions, (a) employment uncertainty, (b) salary level and (c) work pressure or environment;

- (6) What is the number of new staff that have been hired over this time and their retention rate;
- (7) What is the mean average and median numbers of extra hours per week that staff in the Department have had to work since May 2006;
- (8) What is the costs in time in lieu or extra payment for that additional work;
- (9) What is the rate of sick leave since May 2006, both within the Department's central office and across schools;
- (10) What is the comparable figures for extra work and sick leave for the year leading up to May 2006.

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

- (1) Staff numbers (paid headcount) across the Department of Education and Training fluctuate due to the need to replace school based staff with casual staff for most absences. The number will also vary if the report date falls within a school term or during a school holiday period. Further, for 2006/2007, the numbers are also impacted on by the delay in confirming secondary school staff placements until the private arbitration process was finalised.
  - (a) The reduction in staff numbers (paid headcount) across the Department from 1 July 2006 to 31 December 2006 was 174.
  - (b) Based on a similar need to employ casual staff in schools in both 2006 and 2007, staff numbers (paid headcount) across the Department from 1 July 2006 to 30 June 2007 are forecast to fall by approximately 80.
- (2) Of the number of staff who have separated from the Department of Education and Training from 1 July 2006:
  - (a) the actual number of staff separating between July 2006 and February 2007 is 420
  - (b) the following table shows the length of service of those separating between July 2006 and February 2007

1 – 2 years	176
3 – 4 years	46
5 – 6 years	19
7 – 9 years	14
10 – 15 years	62
16 – 19 years	31
20 to 29 years	52
30 years or longer	20
	420

- (c) Of the 420 staff who separated between July 2006 and February 2007 the number who:

(i) moved into the Commonwealth Public Service cannot be isolated as this is not stored as a separation reason in Chris21

(ii) took up positions in other teaching services cannot be isolated as this is not stored as a separation reason in Chris21

(iii) retired is 82.

(3) Comparisons with staff losses in the preceding year:

(a) the actual number of staff separating between July 2005 and June 2006 is 491

(b) the following table shows the length of service of those separating between July 2005 and June 2006

1 – 2 years	178
3 – 4 years	44
5 – 6 years	25
7 – 9 years	19
10 – 15 years	56
16 – 19 years	56
20 to 29 years	93
30 years or longer	20
	491

(c) Of the 491 staff who separated between July 2005 and June 2006 the number who:

(j) moved into the Commonwealth Public Service cannot be isolated as this is not stored as a separation reason in Chris21

(ii) took up positions in other teaching services cannot be isolated as this is not stored as a separation reason in Chris21

(iii) retired is 140.

(4) The Department of Education and Training conducts an exit survey of staff separating but completion of this is not mandatory. Recording and analysis of data from the exit survey of staff separating commenced in June 2004.

(5) Reasons provided by staff for separation:

(a) the Department does not have specific data on the number of staff separating due to employment uncertainty

(b) from 1 July 2006, 28 staff indicated salary as a reason for separating

(c) from 1 July 2006, 43 staff indicated workload as a reason for separating and 40 indicated work environment.

- (6) The Department recruited 669 staff (including casual registrations) between 1 July 2006 and 28 February 2007. Information on retention rates for these individuals is not available.
  - (7) As data is not collected centrally, it is not possible to provide the mean average and median numbers of extra hours per week that staff in the Department have had to work since May 2006.
  - (8) The cost payment for overtime performed by administrative officers (not teaching staff) since May 2006 is approximately \$468,000.
  - (9) Sick leave for the period since May 2006 is recorded as personal leave. Personal leave also includes carer's leave, compassionate leave and leave in special circumstances as provided in the *Public Sector Management Standards*. At this point in time, the human resources system, Chris21, is unable to separate sick leave data.
  - (10) Sick leave for the year leading up to May 2006 is recorded as personal leave. Personal leave also includes carer's leave, compassionate leave and leave in special circumstances as provided in the *Public Sector Management Standards*. At this point in time, the human resources system, Chris21, is unable to separate sick leave data.
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### **Schools—Narrabundah (Question No 1488)**

**Dr Foskey** asked the Minister for Education and Training, upon notice, on 28 February 2007:

- (1) Why was the Narrabundah School community not told that becoming a P-3 school was an option being considered in the 2020 Plan;
- (2) On what grounds can the Minister say the community was consulted when it was not told that this was one of the options;
- (3) What evidence can he give the community that the submission on making the school an Indigenous Education Centre of Excellence was read and given proper consideration;
- (4) As it was not mentioned in the Consultation Report, could the Minister provide the Department's and the Government's reasons for

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

- (1) Two options for Narrabundah Primary School were presented as part of the Towards 2020 proposal. One of these, which was consulted on, was for a P-3 early childhood school.
- (2) Refer to (1) above.
- (3) All submissions received as part of the *Towards 2020* consultation process were read and carefully considered by the Department, my Cabinet colleagues and myself, prior to making the decision.

- (4) My decision in relation to Narrabundah Primary School was informed by input provided through a range of community consultative fora and driven by the need to meet the changing requirements of our city by providing a greater choice of educational models.
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**Schools—bus services  
(Question No 1489)**

**Dr Foskey** asked the Minister for Education and Training, upon notice, on 28 February 2007 (*redirected to Minister for Territory and Municipal Services*):

- (1) What bus services provide transport to Arawang Primary School for children who attended the now closed Weston Creek Primary School;
- (2) If there are no services, what plans are there to provide services.

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

- (1) Based on information provided by the Department of Education and Training regarding school closures and consequent student relocations, bus services for students were identified. Relocated students who enrolled in Arawang Primary school, including students from Weston Creek Primary School, can use the following bus services:
    - Four morning dedicated school services (School Routes 404, 501, 503 and 513)
    - Five afternoon dedicated school services (School Routes 401, 505, 506, 507 and 511).
  - (2) N/A
- 

**Sydney Earth Hour  
(Question No 1490)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

Is the Government considering inviting ACT people to join in the Sydney Earth Hour on 31 March to raise awareness about the impact of our energy use on the environment.

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

The Sydney Earth Hour Event was a joint promotion by the World Wildlife Fund and the Sydney Morning Herald newspaper. On 30 March 2007 the Chief Minister issued a statement encouraging Canberrans to participate in "Earth Hour" which included a link to the Earth Hour website for those seeking more information.

## ATTACHMENT A

196/07

30 March 2007

**CANBERRANS URGED TO SUPPORT FIRST 'EARTH HOUR'**

Canberrans are being encouraged to switch off their lights and appliances for an hour this Saturday, in an initiative aimed at raising awareness of the contribution electricity makes to greenhouse emissions.

Chief Minister Jon Stanhope said *Earth Hour*, a Sydney-based campaign, could ultimately go national — even global.

“During *Earth Hour* — from 7.30pm until 8.30pm this Saturday — people are being asked to turn off their lights and non-essential appliances,” Mr Stanhope said today. “The campaign lasts for just an hour, but it is hoped that the raised level of consciousness about the contribution each of us makes, each and every day, to the changing climate will persist, 24 hours a day.”

Mr Stanhope said the ACT Government already had a policy that all unnecessary lights and electrical equipment should be turned off outside office hours. He said Government agencies and employees would be reminded to turn off lights and electrical appliances when they left work this Friday.

While encouraging Canberrans to participate, the Chief Minister reminded people that no action should be taken that would impact on safety.

For more information on Earth Hour go to <http://earthhour.smh.com.au/>.

Statement Ends

**Media Contact:**

Penelope Layland 6205 9777 0438 289 714 penelope.layland@act.gov.au  
Paul Kindermann 6205 1690 0403 600 955 paul.kindermann@act.gov.au

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**Environment—corroborree frogs  
(Question No 1491)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

Can the Minister provide an update on the Corroborree Frog Program.

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

In 2003 the ACT Government established a captive population of Northern Corroborree Frogs as a backup in case wild populations became extinct. This year wild populations of Northern Corroborree Frogs in the ACT crashed to the lowest level ever and the species is on the verge of extinction in the ACT.

Where there were once thousands of Corroborree Frogs in the main breeding areas of Ginini and Snowy Flats in the Brindabella Range, Namadgi National Park, only a few frogs were found in some of the smaller bogs this year. Whilst Northern Corroborree Frogs

are also found just over the border in NSW, these populations are also declining. The main reasons for the decline is an introduced fungus disease combined with dry years.

In 2003 the ACT Government established a captive population of about 900 Corroboree Frogs at Tidbinbilla Nature Reserve, by collecting a small proportion of the eggs found in nests in the wild. The program has successfully boosted the survival rate of eggs from less than 20% in the wild, to close to 90% in captivity. The aim is to eventually release frogs back to the wild. The foresight of this initiative is now being fully realised as it has become evident that there are too few frogs in the wild producing eggs for collection. The challenge to find ways to breed the species in captivity has proved to be extremely difficult because of the species specialised requirements. The ACT Government is working with the Corroboree Frog Recovery Team and the Amphibian Research Centre in Melbourne to develop successful methods for breeding Corroboree Frogs.

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### **Works—pedestrian facilities (Question No 1492)**

**Mr Mulcahy** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) How many projects, across the whole of the ACT, have been undertaken and completed since 2004-05 under the Capital Works Upgrade Program (Pedestrian Facilities);
- (2) Have these projects been for the renovation or installation of pedestrian facilities;
- (3) In which suburbs have the completed works occurred;
- (4) How many projects have been approved, but not yet completed, under the program for the current financial year across the whole of the ACT;
- (5) In which suburbs are these projects located.

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

- (1) 16 projects have been completed from 2004/05 to 2006/07
  - (2) All projects were for the installation of new paths.
  - (3) The completed projects were located in Red Hill, Watson, Garran, Hughes, Kambah, Yarralumla, Melba, Waramanga, McKellar, Forrest, Nicholls, Weston, Curtin.
  - (4) 6 projects have been approved and are currently out to tender for selection of a contractor to build the works in the current financial year.
  - (5) These projects are located in Campbell, Griffith, Lyneham, Watson, Oaks Estate.
- 

### **Crime—drug offences (Question No 1494)**

**Mr Seselja** asked the Attorney-General, upon notice, on 28 February 2007:

- (1) How many people aged (a) 10-15, (b) 15-20, (c) 20-30 and (d) 30 and over have been charged in each year from 1995 to 2006 for possession of (i) marijuana and (ii) other illicit drugs;
- (2) How many charges resulted in the person being fined for possession of (a) marijuana and (b) other illicit drugs, for each age category and year listed in part (1);
- (3) What is the total value of (a) those fines and (b) unpaid fines for each age category and year listed in part (1);
- (4) How many people have been sentenced to prison for possession of (a) marijuana and (b) other illicit drugs for each age category and year listed in part (1);
- (5) How many of the charges identified were for repeat offences.

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

- (1) The AFP have advised that the data available does not go back beyond 1999 for a full calendar year so the information on the number of persons or charges for the period 1995 to 1998 cannot be provided.

The AFP also advised that the charges relate to all persons arrested, summonsed or charged before the court. It does not include offences that were settled out of court through formal caution, simple cannabis offence notice, drug diversions or diversionary conference.

The AFP is unable to separate possession of marijuana charges from possession of illicit drug charges because of the time it would take to obtain the information.

Number of persons charged\* for drug\*\* possession - 01 January 1999 and 31 December 2006

Year apprehension create	Age of offender			
	10 to 15	16 to 20	21 to 30	31 and over
1999	5	77	140	75
2000	8	68	154	116
2001	8	66	129	102
2002	9	43	112	102
2003	6	56	136	109
2004	7	33	90	83
2005	5	42	103	85
2006	1	35	114	96

*Source: PROMIS apprehensions module as at 12 March 2007*

\* Persons charged relates to all persons arrested, summons, charged before the court or who have voluntarily attended before the court. This does not include where the offence was settled out of court through formal caution, simple cannabis offence notice, drug diversions or diversionary conference

\*\* Marijuana possession charges cannot be easily identified among these charges

- (2) The courts are not able to separate the possession of marijuana charges from possession of illicit drugs charges. This information is not recorded separately within the courts' electronic case management system.

The question has been answered in terms of the number of charges relating to possession of illicit drugs, including marijuana.

Number of charges \* for drug\*\* possession resulting in a fine being imposed  
- 01 January 1999 and 31 December 2006

Year fine imposed	Age of offender at time fine imposed			
	10 to 15	16 to 20	21 to 30	31 and over
1999	0	13	50	47
2000	0	8	48	33
2001	0	14	51	55
2002	0	7	57	49
2003	0	11	53	51
2004	0	4	36	49
2005	0	6	48	47
2006	0	5	53	46

*Source: MAX - ACT Courts & Tribunal Case Management System*

\* Data is at the charge level not the person level

\*\* Marijuana possession charges cannot be easily identified among these charges

- (3) The courts are not able to separate the possession of marijuana charges from possession of illicit drugs charges. This information is not recorded separately within the courts' electronic case management system.

The question has been answered in terms of the number of charges relating to possession of illicit drugs, including marijuana.

**Total amount of fines imposed and outstanding \* for drug\*\* possession  
- 01 January 1999 and 31 December 2006**

Year fine imposed	Age of offender at time fine imposed							
	10 to 15		16 to 20		21 to 30		31 and over	
	Fines	Unpaid	Fines	Unpaid	Fines	Unpaid	Fines	Unpaid
1999	\$0	\$0	\$1,125	\$0	\$7,585	\$1,230	\$7,650	\$750
2000	\$0	\$0	\$985	\$210	\$6,800	\$444	\$7,350	\$200
2001	\$0	\$0	\$1,275	\$50	\$8,125	\$1,249	\$8,100	\$719
2002	\$0	\$0	\$570	\$0	\$9,735	\$700	\$7,345	\$510
2003	\$0	\$0	\$800	\$150	\$6,135	\$335	\$9,100	\$947
2004	\$0	\$0	\$150	\$25	\$2,820	\$970	\$9,225	\$1,900
2005	\$0	\$0	\$700	\$30	\$7,750	\$3,060	\$10,775	\$2,282
2006	\$0	\$0	\$875	\$107	\$8,315	\$5,422	\$5,125	\$3,372

*Source: MAX - ACT Courts & Tribunal Case Management System*

\* Data is at the charge level not the person level

\*\* Marijuana possession charges cannot be easily identified among these charges

- (4) The courts are not able to separate the possession of marijuana charges from possession of illicit drugs charges. This information is not recorded separately within the courts' electronic case management system.

The question has been answered in terms of the number of charges relating to possession of illicit drugs, including marijuana.

**Number of charges \* for drug\*\* possession resulting in a \*\*\*prison sentence  
- 01 January 1999 and 31 December 2006**

Year prison sentence imposed	Age of offender at time prison sentence imposed			
	10 to 15	16 to 20	21 to 30	31 and over
<b>1999</b>	0	1	8	2
<b>2000</b>	0	0	5	6
<b>2001</b>	0	0	10	7
<b>2002</b>	0	1	9	7
<b>2003</b>	0	1	10	3
<b>2004</b>	0	0	5	4
<b>2005</b>	0	1	7	5
<b>2006</b>	0	0	6	5

*Source: MAX - ACT Courts & Tribunal Case Management System*

\* Data is at the charge level not the person level

\*\* Marijuana possession charges cannot be easily identified among these charges

\*\*\* Includes prison sentences as a result of unpaid fines

- (5) The courts are not able to provide the number of charges identified for repeat offenders. This information is not recorded within nor can be retrieved from the courts' electronic case management system.

**Prisons—rehabilitation programs  
(Question No 1495)**

**Mr Seselja** asked the Attorney-General, upon notice, on 28 February 2007:

- (1) What rehabilitation programs were offered (a) through the Canberra Remand Centres and (b) for community based programs in each year from 1995 to 2006;
- (2) What programs will be offered in 2007;
- (3) What staff numbers and designation of staff were employed in the rehabilitation programs for the remand centres and for community based programs each year from 1995 to 2006;
- (4) What staff numbers and designation of staff are projected to be employed in these rehabilitation programs in 2007;
- (5) What was the classification and designation of the position established to provide clinical supervision within the Rehabilitation Program Unit in 2004;
- (6) What qualifications did the occupant of the position outlined in part (5) have;
- (7) Which position provided administrative supervision of the program facilitator staff in 2004;
- (8) What is the classification and designation of the position currently responsible for clinical supervision of the Rehabilitation Program Unit;

- (9) What qualifications does the current occupant of the position outlined in part (8) have;
- (10) Which position currently provides administrative supervision of the program facilitator staff ;
- (11) What was the budget allocation for rehabilitation services in ACT Corrective Services each year from 1994-95 to 2006-07.

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

- (1) Data is only available from 1998.
- (a) The following programs were available in Remand Centres for the periods specified:
- Basic numeracy and literacy skills, communication skills and drug addiction awareness (1998/1999–2001/2002); and
  - Alcohol and Drug Coping Skills Program 2003–2006 (previously provided by ACT Health Services).
- (b) The following community based programs were available for the periods specified:
- 'Learning to Relate Without Violence and Abuse', September 1998-March 2006 (contracted to Relationships Australia);
  - Family Violence Cognitive Self Change Program November 2005 2006 (replaced "Learning to Relate without Violence and Abuse");
  - 'Thinking for Change' 2000–2005;
  - Violent Offenders Program 2002–2004;
  - Cognitive Self Change Program (CSCP) for men 2005–2006 (replaced 'Thinking for Change' Program and Violent Offenders Program);
  - Cognitive Self Change Program (CSCP) for women 2005–2006 (replaced 'Thinking for Change' Program and Violent Offenders Program);
  - Adult Sex Offender Program 2002–2006; and
  - Respectful, Responsible Relationships Treatment Program June 2001-2006 (program for juveniles, formally Young Sex Offender Program).
- (2) The following community-based programs will be offered in 2007:
- Respectful, Responsible Relationships Treatment Program - Juvenile Sex Offender Program;
  - The Adult Sex Offender Program;
  - Cognitive Self Change Women's Program;
  - Cognitive Self Change Men's Program; and
  - The Family Violence Cognitive Self Change Program.
- The Remand Centre will continue to run the Alcohol and Drug Coping Skills Program in 2007.
- (3) 2001-2002 was the first financial year where the Rehabilitation Programs Unit became a separate Unit from the Probation and Parole Unit within Community Corrections. Staffing records are only available from 2002 onwards.

The table below outlines the number of programs staff in the Rehabilitation Programs Unit and Custodial Operations from 2002–2006. Additional external facilitators are employed as required:

**Table 1: Number of programs staff in the Rehabilitation Programs Unit and Custodial Operations from 2002–2006**

Year	Number of staff	Staff Designations in Rehabilitation Programs Unit	Staff Designations in Remand Centres
2002	7.5	SOG B x 0.5 (Full-time, but responsible for other areas in addition to Rehabilitation Programs); SOG C x 1; PO2 x 2; ASO 6 x 1; ASO 5 x 2	ASO 5 x 1
2003	9	SOG B x 0.5 ('see comment above'); SOG C x 1; SPOG C x 1; PO2 x 2; ASO 6 x 3.5	ASO 6 x 1
2004	11.5	SOG B x 0.5 ('see comment above'); SOG C x 1; SPOG C x 1; PO2 x 2; ASO 6 x 5	ASO 6 x 2
2005	10.5	SOG B x 0.5 ('see comment above'); SOG C x 1; SPOG C x 1; PO2 x 2; ASO 6 x 4	ASO 6 x 2
2006	10.3	SOG B x 0.5 ('see comment above'); SOG C x 1; SPOG C x 1; PO2 x 2; ASO 6 x 3.8.	ASO 6 x 2

- (4) Ten staff members are projected to be employed in 2007 – two x SOG C, five x ASO 6 and one x PO2 in community-based programs and two x ASO 6 in Remand Centre programs. Additional external facilitators are employed as required.
- (5) An officer commenced employment in April 2003 as a Senior Professional Officer C. Among other duties, the position was required to provide professional supervision to program coordinators and facilitators.
- (6) Not applicable. Please see response to part 5.
- (7) The Manager, Rehabilitation Programs Unit, provided this supervision.
- (8) There is no designated position requiring the provision of clinical supervision of the Rehabilitation Programs Unit as indicated in response to part 5.
- (9) Not applicable. Please see response to part 8.
- (10) The Manager, Offender Intervention Programs, provides this supervision.
- (11) 2001-2002 was the first financial year where the budget allocation for programs was separate to funding for Probation and Parole.

**Table 2: Budget allocation for Offender Intervention Programs from 2001/02 – 2006/07**

Financial Year	Budget allocation for offender intervention programs
2001-02	\$807,900
2002-03	\$996,390
2003-04	\$1,132,054
2004-05	\$1,080,564
2005-06	\$1,200,850
*2006-07	\$1,049,773

\* The decrease in funding for FY 2006/07 was as a result of the disestablishment of two positions.

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### **Crime—intervention and referral services (Question No 1496)**

**Mr Seselja** asked the Attorney-General, upon notice, on 28 February 2007 (*redirected to the Minister for Health*):

- (1) For each of the intervention and referral services of the (a) Police Early Intervention Program, (b) Court Alcohol and Drug Assessment Service and (c) Treatment Referral Program, how many interventions/referrals have been made for each year from 2000 to 2006;
- (2) Of those referrals, how many people undertook and completed the treatment plan or court order;
- (3) What action was taken in relation to those who did not complete the treatment plan or court order;
- (4) How many of those referrals have reoffended.

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

- (1) & (2)

**(a) Police Early Intervention Diversion – PEID**

Note: First client referral received 29 January 2002

	<b>Referrals received from ACT Policing by ACT Health's Alcohol and Drug Assessment Service</b>	<b>Number of Clients Assessed by ACT Health's Alcohol and Drug Assessment Service</b>	<b>Treatment completed</b>
2002	14	-	13
2003	15	-	12
2004	62	-	55
2005	42	39	39
2006	49	46	43

**(b) Court Alcohol and Drug Assessment Service –  
CADAS (pre-sentencing)**

	<b>Referrals received by ACT Health's Alcohol and Drug Assessment Service</b>	<b>Not recommended by ACT Health's Alcohol and Drug Assessment Service</b>	<b>Treatment completed</b>
2000	50	3	20
2001	156	7	57
2002	265	2	62
2003	325	6	165
2004	301	10	123
2005	265	14	110
2006	273	34	77

Please Note: The low number of people completing treatment relative to the number of people being referred to assessment for treatment is the result, in part, of a significant number of clients not being required by Court to attend treatment following assessment.

**(c) Treatment Referral Program – TRP (sentencing)**

	<b>Assessment Orders received by ACT Health's Alcohol and Drug Assessment Service</b>	<b>Treatment Orders Issued</b>	<b>Treatment Completed</b>
2000	51	15	14
2001	56	11	7
2002	15	8	3
2003	25	12	4
2004	36	13	5
2005	19	7 (1 pending)	3
2006	12	2 (2 pending)	2

Please note: Recommendations by TRP Panel are used by the Court on Bail orders with the Department of Justice and Community Safety supervision instead of issuing treatment orders.

- (3) The ACT Health Alcohol and Drug Assessment Service advised the relevant bodies. For PEID ACT Policing were notified, for CADAS and TRP the magistrates and justices were advised via written communication. Consequences of null compliance is determined and directed by police and relevant magistrates and justices.
- (4) The re-offence data for PEID's have been included below. Re-offence data is not currently available for CADAS and TRP.

*Source: AFP*

*Data Description:*

***The table below counts persons issued with a Police Drug Diversion and persons who have re-offended after being issued with a Police Drug Diversion during the period 01 July 2003 to 31 October 2006.***

	<b>Number of people issued police drug diversion</b>	<b>Number of people who were charged with a re-offence after being issued * a police drug diversion</b>
2003-04 *	53	15
2004-05	35	17
2005-06	43	17
2006-07 to 31 Oct 2006	28	7

Source: PROMIS database as at 01 November 2006

### **Construction—compliance flag system (Question No 1497)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 28 February 2007:

- (1) Does the ACT Planning and Land Authority (ACTPLA) operate a Compliance flag system on building files;
- (2) What legislation, including title and section, (a) defines a Compliance flag and (b) describes the content and operation of a Compliance flag system on a building file, (c) describes the appeal mechanism a lessee has to challenge the placement of a Compliance flag on a building file, (d) provides the ACTPLA with the authority to operate a Compliance flag system;
- (3) How many building files currently have a Compliance flag over them;
- (4) Are files with a Compliance flag stored, marked or handled differently to other building files that do not have a Compliance flag; if so, what are the differences.

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

- (1) No. However, ACTPLA does have an electronic administrative tool to 'flag' outstanding compliance issues in relation to Territory Leasing files.
- (2) (a to d) In the ACT, lessees are required to produce a 'lease conveyancing report' as part of the documentation needed for the listing of their property for sale. Under Section 9 of the *Civil Law (Sale of Residential Property) Regulation 2004* (Effective 16/11/06), ACTPLA is required to provide, amongst other documentation, "a statement about any contravention of the *Land (Planning and Environment) Act 1991* in relation to the lease of the property", including unapproved works.

To satisfy this requirement, and protect the public interest, ACTPLA uses 'compliance flags', in an electronic data-base. This is an administrative tool to identify leases which have unapproved works, or other issues, in contravention of the Land Act. The 'compliance flag' serves no other purpose than a trigger/reminder for Authority staff to fulfil their obligations under the *Civil Law (Sale of Residential Property) Regulation 2004*.

There is no 'appeal mechanism' in relation to the removal of 'compliance flags'. Flags would only be removed where contraventions of the Land Act have been

addressed, for example, where a development application is lodged for unapproved work and is subsequently approved.

- (3) No building files have compliance tags. There is no record kept of the total number of compliance flags in place at any one time.
- (4) No.

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### **Environment—alternative energy sources (Question No 1499)**

**Dr Foskey** asked the Minister for Business and Economic Development, upon notice, on 28 February 2007:

- (1) Has the ACT Government given thought to expanding our fantastic capacity to research alternative energy sources and providing incentives for the establishment of production facilities;
- (2) Have any studies been conducted on the potential to develop this industry;
- (3) Have any businesses working in this area approached the Government for support; if so, which businesses and what was the result.

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

- (1) A cash incentives approach to business attraction has not been the policy direction of my Government, and so there are no specific ACT Government business programs that provide direct incentives to establish manufacturing production facilities for the alternative energy production sector in the ACT.

However, the ACT Government does recognise the significant research activity undertaken in Canberra into renewable energy, in particular at the ANU's Centre for Renewable Energy research. CSIRO's renewable energy research program is also significant, albeit most of that research effort is conducted in CSIRO facilities outside the ACT.

The ACT Government is a funding partner in ANU Connect Ventures, a fund that invests in the commercialisation of Canberra-based research and IP. ACT-based commercialisation project opportunities can access this fund and I understand that early discussions are currently taking place between ANU Connect Ventures and one of Canberra's renewable energy companies.

- (2) I am not aware of any studies funded by the ACT Government into the development of a renewable energy industry in the ACT.

However, there are significant funding sources for renewable energy research and commercialisation available through Australian Government programs such as the Renewable Energy Equity Fund (REEF) and the Renewable Energy Development Initiative (REDI) available through the Department of Industry Tourism and Resources. The Australian Greenhouse Office also provides a range of initiatives supporting alternative energy development under its Climate Change Programs.

- (3) In 2006 a company with expertise in solar energy approached the former BusinessACT for advice on local labour costs of particular technical and trade professions. I understand the company may have sought similar information from other Australian jurisdictions as an input to an investment location decision. The requested information was provided. The approach was treated as 'commercial in confidence' and it is not appropriate to disclose details of the company in question.

The following organisations have received funding through the former Knowledge Fund for renewable energy research and commercialisation support. The projects were completed as per the contractual requirements of the funding.

PROJECT	COMPANY/GROUP	AMOUNT	TYPE OF GRANT
Big Dish Solar Concentrators for Integrated Energy Solutions	Wizard Information Systems Pty Ltd	\$250,000	Collaboration
Wind Energy Recovery System	CIT	\$50,000	Proof of Concept
Centre for Sustainable Energy	ANU	\$50,000	Industry Development
Chemical Storage of Solar Energy with a Trough Concentrator	ANU	\$50,000	Proof of Concept
TOTAL		\$400,000	

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### Children—health checks (Question No 1500)

**Dr Foskey** asked the Minister for Health, upon notice, on 28 February 2007:

Are provisions made to ensure that children in foster care are given regular health checks and follow-up treatment; if so, (a) how is this monitored and (b) is data collected.

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

Yes.

(a) Currently data is collected by the Child at Risk Health Unit (CARHU) to measure the number of children entering "out of home care" per month, which includes kinship care (fostered by relative) as well as the number of children screened at CARHU.

(b) Yes.

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### Environment—Kambah Telstra tower (Question No 1501)

**Dr Foskey** asked the Minister for Planning, upon notice, on 28 February 2007:

- (1) Was Telstra required to restore the site of the 3G tower in Kambah to its original condition;
- (2) Did the plans submitted suggest there would be plantings to screen the new tower;
- (3) What follow-up is undertaken to ensure that the conditions regarding restoration are met.

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

- (1) Yes.
- (2) No.
- (3) ACTPLA oversaw approval of the Network Plan and as part of that approval a Landscape Management Protection Plan was required to be obtained from the Department of Territory and Municipal Services (TAMS). If follow up action is required TAMS will ensure that the proponent carries out any work necessary.

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**Water—street sweeping  
(Question No 1502)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) Do street sweepers use water; if so, is it necessary for water to be part of street sweeping processes;
- (2) How is the use of water for street sweeping justified in a drought given that water restrictions prevent households using water to clean paving.

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

- (1) Yes.
- (2) Water is an essential component for street sweeping in suppressing dust in accordance with EPA requirements. Effective street sweeping mitigates ongoing maintenance on the stormwater drainage underground network.

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**Dundas Court—car park  
(Question No 1503)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) What response have Dundas Court businesses been given regarding their concerns about buses parking in the car park area in front of their shops;
- (2) What follow-up action has occurred to ensure the situation does not continue to happen.

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

- (1) Roads ACT assessed the parking conditions on Dundas Court. As a result, modifications have been implemented, in consultation with the traders, to improve the parking situation. Also designated parking bays have been allocated to buses. This would confine buses to these spaces especially during peak business hours.
  - (2) It is the responsibility of Parking Operations to patrol this area to ensure that the new arrangements are not breached.
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### **Water—Canberra Airport (Question No 1504)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) How much does the Canberra Airport pay on an annual basis for use of groundwater;
- (2) Does the price vary according to the amount used;
- (3) Are there limitations on the amount that may be extracted;
- (4) Have there been investigations into the sustainability of the aquifer which supplied the water;
- (5) Are there conditions and oversight to ensure that the water is used sustainably.

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

- (1)-(5) Responsibility for this land comes under the Airports Act 1996 and is outside the jurisdiction of the ACT Government.
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### **Government—shopfront closures (Question No 1505)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

- (1) What statistical analysis was done before the closure of the Civic Shopfront;
- (2) What alternative arrangements are being made for those without access to the internet.

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

- (1) A broad range of data from the Shopfront service, and other Canberra Connect service channels, was analysed to determine future counter service requirements. In particular, data concerning the number of customer arrivals at Civic Shopfront, and all shopfronts, over the past four years was carefully examined.

- (2) Canberra Connect offers alternative arrangements for those customers without access to the internet, including self-service options such as BPay and telephone, as well as a face-to-face services for many transactions at Australia Post outlets across Canberra and Australia wide. These alternatives provide additional convenience, as they are not restricted to normal business hours, with many Australia Post outlets also opening on Saturdays.

These arrangements supplement the four existing shopfronts at Woden, Belconnen, Dickson and Tuggeranong. Canberra Connect is also preparing to implement a new limited service in the Civic Library that will undertake drivers' licence and proof of age transactions.

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**Environment—adopt-a-drain proposal  
(Question No 1506)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

Has any thought been given to asking members of the community to adopt a drain as a means of keeping them clear of debris to prevent the flooding of streets and houses.

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

No.

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**Environment—waterless urinals  
(Question No 1507)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

Has the Government considered making waterless urinals mandatory in any new office buildings or when bathrooms are refurbished.

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

No.

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**Environment—climate change  
(Question No 1508)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007:

Has the ACT Government commissioned a study on the likely impacts of climate change on (a) biodiversity, (b) street and other trees, (c) fire management and (d) water quantity and quality in the ACT.

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

No, the Government has not commissioned specific studies on the likely impact of climate change in the ACT.

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**Heritage places—budget cuts  
(Question No 1509)**

**Dr Foskey** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2007 (*redirected to the Minister for the Arts*):

What impacts have budget cuts had on the (a) opening hours, (b) maintenance, (c) staffing and (d) other matters relating to (i) Mugga Mugga cottage, (ii) Lanyon and (iii) Calthorpe's House.

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

(a) Opening Hours

There is no change to opening hours at these three historic sites other than :  
Lanyon - now closed on most public holidays; and  
Calthorpes' House - weekday openings are now for pre-booked groups only.

(b) Maintenance

There has been no impact on the regular maintenance schedule for these sites.

(c) Staffing

As with other ACT Government agencies, the 2006-07 budget for the Cultural Facilities Corporation, which manages these sites, resulted in some organisational restructuring. The new structure combines the previous separate staffing structures for Historic Places and for the Canberra Museum and Gallery/Nolan Gallery into a new ACT Museums and Galleries section. In summary, the impact of the restructure for the sites and their management is that : six positions were declared excess in the former Historic Places section, while in the ACT Museums and Galleries section, six new positions were created that have full or partial responsibility for the sites.

(d) Other Matters

Some reductions have been made in public programs at the sites and in the marketing of them.

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**Hospitals—overtime payments  
(Question No 1511)**

**Mr Smyth** asked the Minister for Health, upon notice, on 6 March 2007:

- (1) What amount was identified for overtime for nurses, medical and administrative staff for (a) 1 July 2006 to 31 December 2006 and (b) 1 January 2007 to 30 June 2007;

- (2) What amount was spent on overtime for nurses, medical and administrative staff from 1 July 2006 to 31 December 2006;
- (3) What was the reason for the higher than expected expenditure on overtime for nurses, medical and administrative staff as reported in the December quarter 2006 Consolidated Financial Report.

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

- (1) The budget estimate for overtime for nurses, medical and administrative staff for (a) 1 July 2006 to 31 December 2006 was \$3.16 million and (b) 1 January 2007 to 30 June 2007 is \$3.34 million. Not all areas separately identify budget for overtime, instead choosing to manage at the employee expenses level;
- (2) The amount spent on overtime for nurses, medical and administrative staff from 1 July 2006 to 31 December 2006 was \$5.86 million;
- (3) There were a number of factors that impacted on the expenditure on overtime for nurses, medical and administrative staff during the six months to the end of December 2006:
  - Increases in trauma load at TCH leading to higher incidences of overtime for medical staff in areas such as general surgery and cardiac surgery;
  - Unexpectedly high incidences of patients needing one-to-one nursing care within the acute care area;
  - Inability to recruit to nursing positions within components of Mental Health ACT such as the Brian Hennessy Rehabilitation Centre and in Acute and Community Mental Health lead to higher overtime levels;
  - The need to ensure a continued high level of service during the transfer of the telephony system at TCH resulting in higher overtime for the administrative staff in the communications area; and
  - Delays in recruiting to Payroll services.

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**Project Saul—assistance  
(Question No 1512)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 6 March 2007:

- (1) Did ACT Policing provide any assistance, financial or otherwise, to the community group "Project Saul" during the (a) 2005-2006 and (b) 2004-2005 financial years, if not, why not;
- (2) What are the details of any assistance, financial or otherwise that was provided to "Project Saul" during the time frames outlined in part (1).

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

- (1) a) No – no request was received during this period.  
b) Yes.

- (2) \$7,500.00 was provided to Project Saul for training and development costs during 2004-05.
- 

**Road ready program  
(Question No 1513)**

**Mr Pratt** asked the Minister for Territory and Municipal Services, upon notice, on 6 March 2007:

- (1) When was the latest version of the Road Ready Student Workbook published;
- (2) When is the Road Ready Student Workbook, currently being used in the Road Ready program, due for updating;
- (3) Where is the data sourced in relation to the statistics quoted in the current version of the Road Ready Student Workbook;
- (4) Does the ACT Government facilitate the Road Ready program, if not, why not;
- (5) What is the annual cost to run the Road Ready Program if it is outsourced.

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

- (1) January 2007.
  - (2) October / November 2007.
  - (3) [http://www.atsb.gov.au/publications/2006/pdf/rda\\_ss\\_2005.pdf](http://www.atsb.gov.au/publications/2006/pdf/rda_ss_2005.pdf)
  - (4) Yes.
  - (5) The projected annual cost of the outsourced component of the Road Ready Program is \$48,500.
- 

**Tourism—Namadgi national park  
(Question No 1514)**

**Mr Pratt** asked the Minister for Tourism, Sport and Recreation, upon notice, on 6 March 2007:

- (1) What are the figures for tourist visitors to the Namadgi National Park for the (a) 2004-2005 and (b) 2005-2006 financial years;
- (2) What are the current figures for tourist visitors to the Namadgi National Park.

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

- (1) Visitor figures for (a) July 2004 – June 2005. 117934 people.  
(b) July 2005 to June 2006. 136215 people.

(2) July 2006 to February 2007. 91656 people.

### **Human Rights Commission (Question No 1515)**

**Mr Stefaniak** asked the Attorney-General, upon notice, on 6 March 2007:

- (1) How much has it cost to run the Human Rights Commission since its inception;
- (2) How many cases (a) has the Commission handled and (b) have been handled by each commissioner.

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

- (1) \$855,420 for the period 1 November 2006 to 28 February 2007. Note that the appointment of the Disability and Community Services Commissioner, and Children and Young People Commissioner took effect from 29 January 2007.

(2)	(a)	Complaints received (in writing)	119
	(b)	Complaints received:	
		Health Services Commissioner	96
		Human Rights and Discrimination Commissioner	21
		Children and Young People Commissioner	1
		Disability and Community Services Commissioner	1

### **Roads—parking infringements (Question No 1516)**

**Mr Stefaniak** asked the Minister for Territory and Municipal Services, upon notice, on 6 March 2007 (*redirected to the Attorney General*):

- (1) Were any motorists who were stuck in the hailstorm that struck Canberra in late February 2007 issued with parking infringement notices; if so, how many were issued and in which locations;
- (2) Will the Minister agree to waive any or all of the parking infringement notices issued in those circumstances;
- (3) Were any of the trucks clearing hail and debris from the streets of Canberra issued with infringement notices for overloading; if so, how many were issued and in which locations;
- (4) Will the Minister agree to waive any or all of the parking infringement notices issued in those circumstances.

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

- (1) I am not aware of any parking infringement notices being issued to vehicles that were involved in the February 2007 hailstorm.

- (2) There is no provision in the *Road Transport (General) Act 1999* that would allow me to intercede in such matters. Decisions on whether or not to withdraw parking infringement notices are made in conjunction with the Road Transport (General) (Withdrawal of Infringement Notices) Guidelines 2001, which allow for circumstances such as these to be taken into account.
  - (3) Yes, one in London Circuit, Canberra City.
  - (4) See the response to question 2.
- 

### **Woden library (Question No 1518)**

**Mr Seselja** asked the Minister for Territory and Municipal Services, upon notice, on 6 March 2007:

- (1) What is the total current holding of books in the Woden Library;
- (2) What was the total holding of books in the Woden Library in 2000;
- (3) How many titles in the youth fiction category are currently held in the Woden Library;
- (4) How many titles in the youth fiction category were held in the Woden Library in 2000.

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

- (1) In responding to the Member's question, it should be noted that the collection size of the Woden Library, as with all ACT Public Library branches varies daily. Library materials move in and out of the branch collections as loans, returns and interbranch transfers. Apart from Reference and Language Collections, branch collections also "float" – that is, a library item borrowed from fiction or nonfiction collections at Woden and returned to Belconnen means that the item will be shelved there, instead of being returned to Woden. On 12 March 2007, the total current holding of books in the Woden Library was 108,233.
  - (2) The statistics about library collections were not recorded in 2000.
  - (3) The titles in the youth fiction category held on 12 March 2007 in the Woden Library was 1847.
  - (4) See response to 2.
- 

### **Children—legal guardians (Question No 1519)**

**Mrs Burke** asked the Minister for Disability and Community Services, upon notice, on 6 March 2007:

How many grandparents (a) are registered in the ACT as legal guardians for their grandchildren and (b) have requested ACT Government support during the last twelve months.

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

- (1) (a) The Family Court may make orders in favour of grandparents to assume the guardianship of their grandchildren. The ACT Government has no registration scheme of grandparents granted such orders.

Where the ACT Children Court makes a care and protection order in favour of the Chief Executive, the Chief Executive may place children and young people with kinship carers, including grandparents. This information is kept on an individual child's file. The ACT Government has no consolidated record of grandparents granted such placements.

- (2) Where a grandparent, who is a kinship carer of a child under care and protection orders requests support, the information would be entered on the individual child's file. The ACT Government has no consolidated record of Grandparents receiving support.

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### **Currong Apartments (Question No 1520)**

**Mrs Burke** asked the Minister for Housing, upon notice, on 6 March 2007:

- (1) What is the future of the multi-housing complex site currently known as Currong Apartments;
- (2) Is Housing ACT preparing this site for sale; if not, why not.

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

- (1) The future of Currong Apartments is under consideration by the Government. The Currong Apartments will be used as student accommodation for the 2007 academic year.

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### **Housing ACT—capital improvements (Question No 1521)**

**Mrs Burke** asked the Minister for Housing, upon notice, on 6 March 2007:

How much funding has been expended by Housing ACT to make capital improvements to (a) single dwellings and (b) dwellings in multi-unit complexes during 2005-06 and 2006-07 to date.

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

- (1) The amount expended in 2005-06 on capital improvements to:
  - a. Single dwellings was \$2.017m; and
  - b. Multi-unit complexes was \$2.155m

- (2) The amount expended in 2006-07 to date on capital improvements to:
- c. Single dwellings in 2006-07 is \$2.598m; and
  - d. Multi-unit complexes is \$1.383m
- 

**Housing—waiting list  
(Question No 1522)**

**Mrs Burke** asked the Minister for Housing, upon notice, on 6 March 2007:

- (1) How many people were on the public housing waiting list as of February 2007;
- (2) How many of those people in part (1) were (a) single, (b) part of a couple, (c) part of a couple with dependent children and (d) single parents with dependent children;
- (3) What was the average waiting period for applicants on the public housing waiting list as of February 2007.

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

- (1) As at 28 February 2007, there were 1023 applications on the public housing waiting list.
  - (2) Of these, 564 were single, 47 were part of a couple, 69 were part of a couple with dependants and 343 were single parents with dependant children.
  - (3) The average waiting period for all applicants is 589 days, however the average waiting time for those applicants in the highest priority category is 37 days.
- 

**Sky Plaza  
(Question No 1523)**

**Mrs Burke** asked the Minister for Housing, upon notice, on 6 March 2007:

Has Housing ACT purchased any apartments at the Sky Plaza complex in Woden; if so, how many and at what total cost.

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

- (1) No
  - (2) N/A
- 

**Housing—maintenance and repairs  
(Question No 1524)**

**Mrs Burke** asked the Minister for Housing, upon notice, on 6 March 2007:

- (1) What has been the total cost of maintenance and repairs conducted by Housing ACT on (a) individual dwellings and (b) dwellings in multi-unit complexes during 2007;

- (2) What was the average cost per dwelling to carry out maintenance during 2006.

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

- (1) The amount expended in 2006-07 to date on repairs and maintenance to:
- a. Single dwellings is \$6.392m; and
  - b. Multi-unit complexes is \$5.938m
- (2) The average cost per dwelling to carry out planned maintenance during 2005-06 was \$1,046.
- 

**Vandalism—public toilets  
(Question No 1525)**

**Mr Stefaniak** asked the Minister for Territory and Municipal Services, upon notice, on 7 March 2007:

- (1) How many public toilets are there in (a) Belconnen, (b) Tuggeranong, (c) Gungahlin, (d) North Canberra, (e) South Canberra, (f) Woden, (g) Weston Creek and (h) elsewhere in the ACT;
- (2) What are the guidelines for the installation of new public toilets;
- (3) How many public toilets have been installed since November 2001 and where have they been installed;
- (4) How much did repair of vandalised toilets cost during 2006;
- (5) How many public toilets are currently out of action due to vandalism;
- (6) How long have the public toilets outlined in part (5) been out of action and when will they be repaired.

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

- (1) (a) Belconnen - 11 (b) Tuggeranong - 8 (c) Gungahlin - 3  
(d) North Canberra - 19 (e) South Canberra - 19 (f) Woden - 7  
(g) Weston Creek - 2 (h) Reserves - 41
- (2) Public toilet facilities were provided in some of Canberra's older suburban shops, however this practice ceased in the sixties and new toilets facilities were then only provided in district parks. Territory and Municipal Services maintain public toilet facilities in these older suburban shops that are still functional. In new, larger regional commercial developments, or as commercial areas are redeveloped, it is a development condition that public access toilets be provided and maintained by the body corporate managers of the centre. Although public-access toilets are generally not found in smaller shopping centres, some individual retailers such as restaurateurs supply such facilities, as they require them for the type of business they run.

- (3) Three new toilets were constructed since November 2001 at Bowen Park, Barton; Tuggeranong Town Park, Greenway and Stromlo Forest Park, Weston Creek.
- (4) In 2006 the repair of vandalised toilets was \$120,945.00.
- (5) As at 31 March there were no public toilets out of action due to vandalism.
- (6) As at 31 March there were no public toilets needing repair due to vandalism.

### **Policing—promotional material (Question No 1527)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 7 March 2007:

- (1) What was the cost of all ACT Policing promotional material including photographs taken as a promotional tool to the Canberra Show in February 2007;
- (2) How many (a) sworn and (b) unsworn ACT police officers were in attendance at the ACT Policing promotional stand at any one time during the weekend of the Canberra Show;
- (3) How many in total (a) sworn and (b) unsworn police officers were in attendance for the duration of the Canberra Show.

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

- (1) \$11,592.09.

Additional promotional material (such as AFP stress toys, wrist bands and educational colouring books) was funded by AFP Recruitment at no cost to ACT Policing.

The major element of the ACT Policing display was a photo opportunity in a police car. The photos were presented to families in a folder containing information about the Suburban Policing Strategy. Costs for the photos were \$1018.19 (*This amount has been included in the total figure listed above.*)

Photos were taken by ACT Policing Crime Prevention staff using a Crime Prevention stock camera.

- (2) At any one time, the display was staffed by ACT Policing as follows:

<b>Crime Prevention sworn members:</b>	Between four and six
<b>ACT Policing general duties members:</b>	One
<b>Crime Prevention unsworn members:</b>	Between one and two

- (3) The ACT Policing display utilised a total of 13 sworn members and four unsworn members during two shifts a day over three days.

In addition, Crime Stoppers and PCYC provided a total of 14 staff over the three days. Police recruits also assisted on a voluntary basis at various times over the show period.

Police participated in a police parade on the Saturday and Sunday of the show, and provided approximately eight members for an hour for each parade.

One Traffic member participated in an event on Sunday at 1.30pm for approximately half an hour. This included the member demonstrating the use of the laser speed detector as part of the event. Another Traffic member participated in the "Ride and Drive" event on Saturday evening for approximately half an hour, demonstrating safe driving skills.

Further police resources from across ACT Policing were dedicated to patrolling the Show in the form of 1 Sergeant and 5 Constables for day shifts (8.00am – 4.00pm) and 1 Sergeant and 7 Constables for afternoon shifts (3.00pm – 11.00pm).

Additionally 2 Traffic Operations members monitored and responded to traffic conditions throughout the event.

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### **Stormwater drains (Question No 1528)**

**Mr Pratt** asked the Minister for Territory and Municipal Services, upon notice, on 7 March 2007:

- (1) How many complaints were recorded as being received relating to damage and/or blockages in stormwater drains in the ACT due to the spate of severe storms occurring in late 2006 and early 2007;
- (2) Of the complaints outlined in part (1), how many (a) have been and (b) are still waiting to be repaired and/or cleared;
- (3) Is there a program in place to monitor the maintenance and upgrade of storm water drains in the ACT; if so, (a) what is the budget for this project for the 2006-2007 financial year and (b) what are the details of this program, including the number of stormwater drains in need of maintenance and/or upgrade.

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

- (1) My Department has received 192 complaints about blocked or damaged drains resulting from the December 2006 / February 2007 storms. In addition our stormwater contractor, ACTEW AGL has received 720 calls in January 2007 about blockages or flooding.
- (2) Calls are continuing to be received with new issues that have arisen from the December 2006 / February 2007 storms.

In January and February 2007 the stormwater contractor, ACTEW AGL has satisfactorily resolved excess of 95% of all flooding / blockage calls within 15 days of receiving the complaint.

- (3) The 2006/7 budget for stormwater maintenance is \$3,500,000. The program includes an inspection program of stormwater networks, routine cleaning maintenance works and structural maintenance works. All assets in the stormwater network require maintenance to ensure that they are working at capacity.

Upgrade of the stormwater drain network is funded from the Capital Works Upgrade Program which currently has an annual allocation of \$400,000. The 2006/07 program includes 5 construction and 7 design projects. The latter group will be considered for construction in future capital works programs.

In addition to the Capital Upgrade program there is currently a package of stormwater investigations of sites which have experienced flooding during the recent freakish storms. The purpose of these studies is to identify short term and long term remedial measures to overcome these problems. It is anticipated that the short term measures will be implemented under the maintenance program, and the latter improvements considered in future capital works programs. Currently there are 12 sites being investigated but this is likely to increase as reports of flooding of other areas are received.

### **Hospitals—disposable instruments (Question No 1529)**

**Dr Foskey** asked the Minister for Health, upon notice, on 13 March 2007:

- (1) Given that in the United Kingdom it is considered best practise to use disposable instruments for all tonsillectomies, is this practise carried out in hospitals that fall under ACT Government responsibility; if not, (a) why not and (b) is the ACT Government considering or willing to consider this practise;
- (2) Is this practice being considered or is currently implemented for other types of surgeries; if so, what are they; if not, why not.

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

- (1) The National Institute for Health and Clinical Excellence, which establishes clinical guidelines for the UK National Health Service does not support a change to single use instruments for tonsillectomies:

*“The evidence on cost effectiveness related to the risk of possible transmission of CJD does not support a change to single-use instruments, based on current costs. This includes ....., tonsillectomy ..... procedures.*

IPG196 Patient safety and reduction of risk of transmission of  
Creutzfeldt-Jakob disease (CJD) via interventional procedures – guidance  
National Institute of Health and Clinical Excellence, Nov 2006

Notwithstanding the above, ACT public hospitals employ single use diathermy blades (the instrument used for tonsil dissection) for tonsillectomies.

- (2) ACT Health has been developing guidelines for the use of single use instruments in other types of surgery in response to concerns about transition of prion related diseases. These guidelines are currently in development.

**Emergency Services Agency—buildings  
(Question No 1530)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) How many of the buildings currently being leased by the Emergency Services Agency (ESA) at Fairbairn are (a) currently occupied and (b) partly occupied;
- (2) Of the buildings partly occupied as outlined in part (1)(b), what percentage of ESA personnel does that equate to;
- (3) When will other emergency services units other than the Rural Fire Service relocate to Fairbairn;
- (4) When will the other emergency service units as outlined in part (3) be fully relocated;
- (5) Will there be any units or elements of the ESA remaining at (a) Curtin and (b) Fyshwick in 2007 that are not moving to Fairbairn;
- (6) How many ESA personnel were located at 12 Mort Street, Canberra City during November 2006;
- (7) Are the personnel that were located at Mort Street in November 2006, still working as part of the ESA; if not, when did they cease working for the ESA.

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

- (1) As stated in the answer to QON1023, leases for Fairbairn are between the Territory and the Capital Airport Group, not ESA.
  - (a) One, the Air Support Operations Centre which also houses the ACT Rural Fire Service.
  - (b) None.
- (2) Not applicable.
- (3) Detailed planning for Fairbairn is still underway.
- (4) See the answer to question 3 above.
- (5) (a) There are no plans to retain any ESA staff at Curtin.
  - (b) The building previously leased in Canberra Avenue Fyshwick was vacated by ESA in late 2006 and those staff relocated to Curtin. The Ambulance and Fire Brigade units located at the Fyshwick Fire and Ambulance station will remain at Fyshwick.
- (6) There are no ESA personnel or personnel of any ACT agency at 12 Mort Street Canberra. The Department of Justice and Community Safety has staff at 12 Moore Street Canberra. There were 2 ESA Personnel located at 12 Moore Street during November 2006.

- (7) No. The salaries for the personnel were transferred to the Department of Justice and Community Safety on 1 January 2007.
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**Rural Fire Service—vehicles  
(Question No 1531)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

On how many days since 15 December 2006 has there been a vehicle unavailability rate of first responder vehicles of less than 85% of the entire Rural Fire Service fleet.

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

There has been no period since 15 December 2006 where greater than 15% of the fleet has been unavailable.

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**Ambulance service  
(Question No 1532)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) How many times since 1 November 2006 have there not been seven full ambulance crews for each shift in a 24 hour period;
- (2) On how many occasions since 1 November 2006 have single member units had to respond to emergency ambulance call outs.

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

- (1) Between 1 November 2006 and 12 March 2007 there have been 33 shifts, out of a total 264 shifts, where there were not seven full ambulance crews.
  - (2) 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.
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**Trunk Radio Network (TRN)  
(Question No 1533)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) How many Trunk Radio Network (TRN) towers have been recommended for installation in the ACT;

- (2) How many of those TRN towers outlined in part (1) are still to be erected;
- (3) What is the total cost of the TRN tower installation program;
- (4) What portion of the installation program outlined in part (3) has been expended.

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

- (1) Eight.
  - (2) One, joint upgrade of existing police tower at Mount Tennent being undertaken.
  - (3) \$6,258,310.97
  - (4) \$4,269,602.22
- 

**Emergency services—incidents  
(Question No 1534)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) How many storm and flood related incidents has the State Emergency Service (SES) been required to attend since 1 November 2006;
- (2) Of those incidents outlined in part (1) how many (a) were identified as priority 1 and (b) did not require immediate assistance but still justified call out;
- (3) What percentage of the SES callouts since 1 November 2006 required rooftop work and were any elevated platforms used;
- (4) If elevated platforms were used were they sourced from (a) the fire brigade or (b) other sources;
- (5) What is the total number of calls made by the public to the SES to attend any incident since 1 January 2006;
- (6) Of those incidents outlined in part (5) how many (a) were identified as priority 1 and (b) did not require immediate assistance but still justified call out;
- (7) Was Firelink utilised during every incident requiring SES attendance since 1 November 2006; if not, how many times was it utilised since 1 November 2006;
- (8) For what duration of time during each incident did Firelink fail;
- (9) For each SES deployment where Firelink failed what percentage of the vehicles called out were unable to be tracked/located and for what amount of time;
- (10) In which locations in the ACT did vehicle location failures occur;
- (11) With respect to Firelink communication messages, were there any failures of 30 minutes or more duration; if so, how many.

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

- (1) 1,101.
- (2) (a) 19.  
(b) 1,082.
- (3) The incident reporting arrangements do not permit an analysis of how many required rooftop work. An elevated work platform was required in three incidents.
- (4) (a) Yes.  
(b) No.
- (5) The number of calls (telephone) made by the public to the SES to attend any incident cannot be accurately determined. However since 1 January 2006, the number of storm and flood incidents that have required attendance by the emergency services is 1,546.
- (6) (a) 40.  
(b) 1,506.
- (7) Firelink has been used for all incidents requiring SES attendance.
- (8) No failures were reported.
- (9) Not applicable.
- (10) Not applicable.
- (11) No.

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**Trunk radio network (TRN)  
(Question No 1535)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) What has been the percentage of the usage of Trunk Radio Network (TRN) voice radio versus Very High Frequency (VHF) voice radio since 1 November 2006 for (a) Rural Fire Service (RFS) emergency callouts and (b) RFS routine reconnaissance and other preventative tasks;
- (2) Which locations were dominant in the use of (a) TRN and (b) VHF voice radio.

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

- (1) (a) The new TRN network has extensive traffic and performance data available however the older VHF network it is replacing has no traffic or performance capture capability. No comparison can be made, as no VHF data is available. The following TRN data is offered,

Totals for RFS OPS1 Talk Group (TG) over the period specified is 846 calls. Totals for all RFS TGs over the period specified is 1040 calls. Total talk time is 3 Hrs 12 Mins 48Secs, an average duration of 8.94 seconds per call.

It should be noted that when responding to fires in the BAZ where other ESA units are also responding Comcen would normally direct all units including RFS to an ESA TG. The data for these TGs is 6,938 calls with a total talk time of 35 Hrs 30 Mins 40 Secs.

- (b) It is not possible to decompose data down to the category of topics discussed.
- (2) (a) The most dominant TRN site is Black Mt. Activations from 1 Nov 2006 to 1 March 2007 were 194,030 well ahead of any other site.
  - (b) Again as VHF has no traffic or performance capture capability, no determination can be made.

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**Motor vehicles—defect notices  
(Question No 1536)**

**Mr Pratt** asked the Minister for Police and Emergency Services, upon notice, on 13 March 2007:

- (1) How many sworn ACT Policing officers are dedicated to the “Operation Globin” team which commenced on 8 February 2007;
- (2) How many vehicles have been (a) seized so far and (b) impounded due to burn out offences;
- (3) How many (a) defect notices have been issued to vehicles, (b) burnouts have been recorded, (c) arrests have been made so far, (d) warnings have been issued, (e) repeat offenders have been caught and (f) on the spot fines have been issued in relation to burnout offences.

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

- (1) Two sworn members are dedicated to duties associated with Operation Globin.
- (2) Five vehicles have been impounded. Two vehicles have subsequently been returned upon issuance of Traffic Infringement Notices.
- (3) (a) One;
  - (b) This question is ambiguous and it is not possible to provide an answer;
  - (c) None;
  - (d) None;
  - (e) None;
  - (f) Five

**Alexander Maconochie Centre  
(Question No 1537)**

**Mr Seselja** asked the Attorney-General, upon notice, on 13 March 2007:

- (1) What is the status of construction of the Alexander Maconochie Centre;
- (2) Is construction (a) of the new prison on target and (b) proceeding according to the budget allocation for the prison;
- (3) What variations have been made to the plan for the new prison since it was originally approved.

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

- (1) A contract for the construction of the Alexander Maconochie Centre (AMC) was awarded to Bovis Lend Lease on 11 October 2006.

Progress to the end of February 2007 has included the following:

- Detailed designs and drawings continue to be developed for the security service, pre-cast concrete elements and structural steel.
  - Continued work on the in-ground services (water, stormwater, electrical conduits and sewer).
  - Floor slabs have been completed for the gatehouse, the facilities building, three of the sentenced cottages for males, one remand cottage, the women's community centre, the kitchen, the utilities area and the laundry.
  - Blockwork is underway on the gatehouse, two sentenced cottages and one of the facilities buildings.
  - A section of the secure perimeter is being prepared for the testing of the security sub-components.
- (2) (a) On 16 October 2006, in announcing the letting of the contract, I advised that project completion was planned for mid-2008. That remains the case.  
  
(b) Construction of the AMC is progressing within the allocated budget.
  - (3) The most significant variations to the plan of the AMC have been the reduction of the capacity of the AMC from 374 beds to 300 beds. In addition, construction of a "quiet space" and the gymnasium has been deferred. The reduction of capacity is recorded in the Hansard of the Standing Committee on Legal Affairs of 2 November 2006.

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**Alexander Maconochie Centre  
(Question No 1538)**

**Mr Seselja** asked the Attorney-General, upon notice, on 13 March 2007:

- (1) What arrangements are planned to ensure the secure accommodation of prisoners at the Alexander Maconochie Centre;
- (2) Will a secure fence be constructed around the perimeter of the new Centre;

- (3) What other security arrangements are planned to secure detainees;
- (4) Will electronic devices be used to track prisoners; if so, (a) what form will those devices take, (b) what range will such a devices have and (c) are such devices able to report specific movements beyond reportable prison areas.

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

- (1) The Functional Brief, which is on the AMC project website at [www.cs.act.gov.au/amc](http://www.cs.act.gov.au/amc) addresses the security concept for the AMC
- (2) Two Fortress 358 security mesh fences will be erected around the AMC perimeter.
- (3) The Security Systems Integrator (SSI) will integrate the Fortress 358 fences with Pan Tilt Zoom (PTZ) and fixed cameras, the Microphonic cabling in both Fortress 358 fences and the Microwave Detection System. In addition to the PTZ, there is also dome and fixed camera coverage elsewhere in the AMC and an electronic and manual locking system. The SSI will also be linked to the Staff Duress System (fixed and portable). Other security systems include x-ray equipment, metal detectors – both hand-held and static mounted (as used in airports) and Biometric Identification equipment. The plan of the AMC also includes appropriate internal fencing and a Management Unit for the accommodation of prisoners who need to be temporarily removed from the mainstream setting. The Dog Squad will also contribute to the Centre's security by focusing on the detection of contraband.
- (4) ACT Corrective Services continues to examine the acquisition of a prisoner tracking system.

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### **Ginninderra Ridge voucher promotion (Question No 1539)**

**Mr Seselja** asked the Minister for Planning, upon notice, on 13 March 2007:

- (1) Why was the Ginninderra Ridge voucher promotion incentive scheme started;
- (2) What did the scheme hope to achieve;
- (3) What were the measurable results arising from the scheme;
- (4) Why was the offer advertised for \$5000 vouchers, then changed to \$10 000;
- (5) Were those who tendered informed of the change; if so, what form did that advice take;
- (6) Why were some offers for quotes faxed out just one day prior to the closing date for tenders;
- (7) On what basis was Valley Retravision chosen as the successful tender;
- (8) Why was Valley Retravision chosen ahead of Belconnen Retravision;

- (9) What investigations were undertaken, or guarantees given to ensure that the conditions attached to the tender process were met.

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

- (1) To increase the rate of sales in the estate.
- (2) To provide sufficient incentive to prospective purchasers to enable the rate of sales to increase.
- (3) The rates of sale in the estate increased from 1 per month in the 3 months immediately preceding the introduction of the scheme to approximately 4 per month while the scheme was in operation.
- (4) To provide additional incentive to achieve the desired increase in sales rates.
- (5) The selected supplier (Valley Retravisation - Tuggeranong) was advised in writing of the change.
- (6) One request for a quotation was sent by fax the day prior to the closing date. This was in order to correct an administrative oversight in the initial dispatch of requests.
- (7) Valley Retravisation was selected on the basis of providing the best value for money for Land Development Agency land purchasers.
- (8) Valley Retravisation was assessed as providing the best value for money offer.
- (9) The Vouchers forwarded to purchasers under the scheme included the terms and conditions of the vouchers which were consistent with those outlined in the Valley Retravisation offer.

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**ActewAGL—green power  
(Question No 1540)**

**Dr Foskey** asked the Chief Minister, upon notice, on 15 March 2007 (*redirected to the Treasurer*):

- (1) Does ActewAGL buy electricity from residents who produce electricity from solar panels on their premises;
- (2) What rates does it pay to such suppliers;
- (3) How does this compare with the cost to consumers of an equivalent amount of green power;
- (4) What incentives does ActewAGL provide to encourage this localised production of green power.

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

- (1) Yes, ActewAGL has a net metering policy for customers who generate their own electricity. ACT residents may offset energy produced from solar (photovoltaic) panels against their energy consumption during a billing period. For example, a consumer may offset the electricity produced during the day against the energy consumed at night. When a resident produces more electricity than he or she consumes, ActewAGL buys that surplus energy.
  - (2) ActewAGL will purchase the net energy exported at a rate of 7.4c per kilowatt-hour. This is less than ActewAGL's standard residential tariff, as the published price also includes a component for network charges.
  - (3) The buy back rate is comparable to the long-run marginal cost of producing renewable energy (green power), which, based on the current market environment, is around 6.0c to 9.0c per kilowatt-hour.
  - (4) ActewAGL provides information on its website on the installation of rooftop photovoltaic systems and buy back rates. ActewAGL directs customers to the Australian Business Council for Sustainable Energy (BCSE) for accredited suppliers of solar panels in the ACT.
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### **Narrabundah Long Stay Caravan Park (Question No 1541)**

**Dr Foskey** asked the Chief Minister, upon notice, on 15 March 2007:

- (1) What has been the total cost to the ACT Government of the Narrabundah Long Stay Caravan Park since the end of May 2006;
- (2) What ongoing payments to Dytin Ltd is the Government committed to make;
- (3) What payments have been made to the Government by Koomarri and when were they made.

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

- (1) The total cost to the ACT Government of the Narrabundah Long Stay Caravan Park since the end of May 2006 includes:
  - a) \$118,766 for managing the Park payable by Housing ACT, as the operator of the Park on behalf of the ACT Government. This amount includes an allowance for the cost of staff and administration by Housing ACT. Further, the costs include the provision of electricity to the park, most of which is recoverable from residents. Offsetting this expenditure is \$195,111 in revenues received for the site fees from the residents of the Park and \$16,678 in electricity recoveries; and
  - b) \$245,986.82 (inclusive of GST) as rent, paid by Chief Minister's Department on behalf of the Territory, since the signing of the Deed of Agreement between the Territory and Dytin Pty Ltd parties on 11 August 2006.
- (2) Under the lease between the Territory and Dytin Pty Ltd, the Lessee must pay rent of \$28,413 (inclusive of GST) per month. Monthly installments are payable over the

period in which the Territory continues to lease the Narrabundah Long Stay Caravan Park site and up until such time as the land swap has been completed.

- (3) Koomarri made a payment of \$750,000 to the Territory on 30 August 2006.
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### **Emergency Services Agency—funding (Question No 1542)**

**Dr Foskey** asked the Minister for Police and Emergency Services, upon notice, on 15 March 2007:

- (1) Is the Minister or the Emergency Services Agency (ESA) aware of the impact of section 44 in the NSW Rural Fire Service (RFS) and its link to federal funding for NSW RFS activities;
- (2) Is the Minister or the ESA aware of any implications of that section 44 funding to decisions made by the NSW RFS in fighting the Macintyre's Hut fire in January 2003;
- (3) Does the ACT have a nominee on the board of the National Aerial Firefighting Centre (NAFC) Ltd;
- (4) Are there directors' fees paid for that position;
- (5) What are the costs to the ACT for that involvement;
- (6) How has the activities of the NAFC Ltd been fed into ESA operations and decision making.

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

- (1) Yes.
- (2) The question falls within the sub judice convention and I therefore do not propose to provide an answer or enter debate concerning the question. The relevant court proceedings are the current ACT Supreme Court proceedings arising from the January 2003 bushfires.
- (3) Yes.
- (4) No.
- (5) \$0.932m in its first year (2003/2004 Second Appropriation) and \$0.732m per year thereafter.
- (6) The ACT Rural Fire Service Chief Officer is currently a member of the NAFC Board of Directors, and the ACT RFS Deputy Chief Officer is a member of the Wildfire Aviation Technical Group, which advises the board on operational matters concerning the use of aircraft for fire management operations. The ACT has had two aircraft on contract each fire season since the 2003 fires, under the NAFC contracts. This has allowed access to Federal funding that assists in covering standby costs for these aircraft. NAFC arrangements also allow for collaborative resource sharing arrangements between agencies as and where aircraft are most needed. This was well demonstrated by the strategic basing of the Ericson Skycrane in Canberra this last

season. Whilst the ACT provided the base and managed the tasking and administration of this machine, it was not used in the ACT but was deployed on numerous missions into NSW, VIC, and SA over the summer.

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**Disabled persons—wheelchairs  
(Question No 1544)**

**Mrs Burke** asked the Minister for Health, upon notice, on 15 March 2007:

- (1) How are clients referred to any form of specialised wheelchair and posture seating services operated by ACT Health;
- (2) How long is the waiting list to receive (a) specialised wheelchairs and (b) posture seating services in the ACT;
- (3) What is the average waiting time for clients accessing both services as listed in part (2).

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

- (1) Clients are referred to the Specialised Wheelchair and Posture Seating Service by their primary treating occupational therapist, or physiotherapist.
  - (2) The Specialised Wheelchair and Posture Seating Service is one service with one waiting list. As at 5 April 2007 there were 18 clients on the waiting list for initial assessment.
  - (3) Waiting times can vary significantly as all referrals are prioritised by clinical need. Set criteria are utilised to identify the urgency of a client referral. There are no Priority One clients on the waiting list as they are seen within 1-2 weeks. Of the eighteen clients on the combined Priority 2 waiting list the average wait time is currently 20 ½ weeks.
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**Disabled persons—wheelchairs  
(Question No 1545)**

**Mrs Burke** asked the Minister for Health, upon notice, on 15 March 2007:

- (1) What form of booking system exists within ACT Health that facilitates wheelchair repairs for people with a disability in the ACT;
- (2) If a system exists, how many (a) bookings have been taken since March 2006 and (b) staff are responsible for (i) maintaining the booking system and (ii) repairing wheelchairs.

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

- (1) The booking system is a manual system operated by the receptionist at the Prosthetic-Orthotic Section of the Aged Care and Rehabilitation Service located at The Canberra Hospital.

(2)

(a) 287

(b) (i) One staff member maintains the booking system for wheelchair services and repair as a component of her duties.

(ii) The Rehabilitation Engineering section has two technicians who spend part of their time performing wheelchair service and repair. The full time equivalent staff available to undertake this work is 0.8FTE (equivalent to 4 full days per week).

### **Diplomatic service—fines (Question No 1546)**

**Mr Mulcahy** asked the Treasurer, upon notice, on 15 March 2007 (*redirected to the Minister for Territory and Municipal Services*):

In relation to the reply to question on notice No 1466, what was the value of fines incurred by foreign diplomatic missions that have been (a) repaid and (b) withdrawn in the period since the Minister provided an answer to question 40 from the 2006 Estimates hearings.

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

I am not prepared to authorise the diversion of the significant resources required to respond to this question.

### **Development—Macgregor (Question No 1547)**

**Mrs Dunne** asked the Minister for Planning, upon notice, on 15 March 2007:

- (1) What environmental guidelines apply to residential development in close proximity to power lines and associated sub stations;
- (2) What measure can be applied to the Macgregor West development to determine whether it meets recognised environmental standards for residential development in close proximity to power lines and associated substations;
- (3) Have the measures outlined in part (2) been applied;
- (4) What environmental impact studies were undertaken to evaluate the effect of the electricity power lines and associated substations on proposed new residential developments in Macgregor West;
- (5) Are these studies available to the public and to potential developers and residents.

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

- (1) In relation to environmental guidelines, Australian National Health and Medical Research Council Guidelines apply to residential development in close proximity to power lines and associated sub stations;
- (2) In order to meet environmental standards the width of the easement for the 132kV powerlines and buffer around the nearby Canberra Zone Substation adjacent to Holt is determined by ActewAGL considering electrical safety, structural failure and electromagnetic fields implications on public health.
- (3) The easement has been incorporated into the Macgregor West Concept Plan that establishes the planning framework and requirement for the new residential estate.
- (4) Factors associated with electricity and electromagnetic effects associated with the Canberra Zone Substation and 132 kV powerlines were investigated during 1992 Environmental Impact Statement (EIS) for West Belconnen and confirmed during the recent concept planning study that was completed in late 2006 (<http://apps.actpla.act.gov.au/tplan/index.htm>).

The following guidelines and documents were applied and complied with in the Macgregor West concept planning process:

- a. The properties of Extremely Low Frequency (ELF) electric and magnetic fields described in detail in the World Health Organization's Environmental Health Criteria 35 Extremely Low Frequency Fields; <http://www.inchem.org/documents/ehc/ehc/ehc35.htm>
- b. Health effects related to ELF fields described further in the ARPANSA fact-sheets Electricity and Health and Powerlines-Electromagnetic fields and Possible Adverse Health Effects. [http://www.arpansa.gov.au/is\\_electricity.htm](http://www.arpansa.gov.au/is_electricity.htm)  
[http://www.arpansa.gov.au/is\\_emf.htm](http://www.arpansa.gov.au/is_emf.htm)
- c. The World Health Organization's fact-sheet [http://www.who.int/docstore/peh-emf/publications/facts\\_press/efact/efs205.html](http://www.who.int/docstore/peh-emf/publications/facts_press/efact/efs205.html)
- d. Interim Guidelines on Limits of Exposure to 50/60 Hz Electric and Magnetic Fields (1989) <http://www.arpansa.gov.au/pubs/rhs/rhs30.pdf> New National Standards on Exposure Limits to ELF are in the process of being adopted by the Australian Radiation Protection and Nuclear Safety Agency.

In addition, ActewAGL provided technical advice during the Concept Planning process for Macgregor West.

- (5) All guidelines and documents mentioned above are available as per the websites cited.
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