



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

29 AUGUST 1996

**Thursday, 29 August 1996**

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

### **PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation:

By **Mr Hird**, from 30 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

By **Mrs Carnell**, from 2,784 residents, requesting that the Assembly vote against the Government's proposed restricted shopping hours legislation.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### **National Soccer Centre**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71, bounded by William Slim Drive and Owen Dixon Drive.

Your petitioners therefore request urgent attention by the Assembly to approve this lease and development application.

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## **Retail Trading Hours**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

that any legislation to restrict shopping hours in the ACT will be against the interests of shoppers and will cause job losses.

Your petitioners therefore request the Assembly to vote against the Government's proposed restricted shopping hours legislation.

Petitions received.

## **PUBLIC INTEREST DISCLOSURE (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister) (10.32): Mr Speaker, I present the Public Interest Disclosure (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the Public Interest Disclosure Act 1994 provides a comprehensive scheme of protection and remedies for people who report instances of corrupt, illegal or improper conduct or substantial waste of resources within the ACT public sector. The Act also requires ACT government agencies, which for the purposes of this Act include government-owned businesses, to set up procedures to receive and act on disclosures.

The Public Interest Disclosure (Amendment) Bill 1996 makes some technical amendments to the Act. First, the Bill makes a specific reference to the Auditor-General as a proper authority. This is the term used to refer to the public sector bodies that are bound by the Act. While the Auditor-General already falls within the existing provisions of this Act, the Government agrees with the Auditor-General's view that this should be made quite clear on the face of the legislation.

The Bill sets in place some changes that recognise the importance of the Auditor-General, along with the ACT Ombudsman, in providing a source of independent investigation of public interest disclosures as well as a form of review of agency actions. It is anticipated that agencies will deal appropriately with disclosures and act on substantiated information.

However, it is important to recognise that informants should be able to turn to an independent agency for assistance. An informant who is unhappy with the way a disclosure is dealt with can currently go to the Ombudsman to see whether there is any further cause for complaint. The proposed changes make it clear that the Auditor-General is also an appropriate source of independent advice and action.

The Bill applies some existing provisions that define the review and scrutiny role of the Ombudsman to the Auditor-General. This reflects the important role of the Auditor-General and the fact that there are already substantial powers for financial and performance auditing under the new Auditor-General Act 1996. It is important to direct these powers, where necessary, to the investigation of public interest disclosures. Existing provisions permit the Ombudsman to act on disclosures in circumstances where it is inappropriate to refer a matter to the relevant agency. Other related provisions deal with taking account of Ombudsman recommendations or restricting an agency's discretion to decline to act on disclosures referred to the agency by the Ombudsman. The Bill extends these provisions to the Auditor-General.

Some provisions are not extended to the Auditor-General. Under existing provisions, when agencies receive disclosures that do not relate to their own activities, they should refer them to the relevant agency. However, where reference to another agency carries with it a risk of reprisal or prejudice, agencies must refer these cases to the Ombudsman. This is not changed, as it should be quite clear what happens in these circumstances - two sources of reference confuse the scheme. The Ombudsman may also act on behalf of victims of reprisal and seek on their behalf an injunction to stop reprisal action. This is not a role appropriately carried out by the Auditor-General.

The second set of amendments is to section 17 of the Act. This provision permits agencies to decline to act on disclosures where the matter is frivolous or vexatious; is misconceived or lacking in substance; has been adequately dealt with by the receiving agency or another agency; or is an attempt to reopen a matter already dealt with by a court or tribunal. The Bill makes some minor amendments to this provision. One change is to the ground which permits matters to be declined where they have been dealt with by another agency. The terminology is changed so that it applies where a matter has been dealt with adequately, not just by another agency. Circumstances may arise where disclosures cover subject matter that has been dealt with by, for example, the Human Rights and Equal Opportunity Commission or the Merit Protection and Review Agency. This situation does not clearly fall within the existing provision, and it is sensible to leave this option open. A further discretion is included. This is to permit agencies to decline to act on disclosures where there is a more appropriate remedy reasonably available. The Act has a wide ambit, which is quite appropriate. As a result, it is possible that the legislation could be used as a forum for individual grievances which might already have more specific and accessible remedies. Again, this is a sensible amendment, and members will find that the amended discretions reflect equivalent provisions in the Ombudsman Act 1989.

Finally, a series of amendments have been made to the terminology used in the Act. These amendments are consequential to changes to the Public Sector Management Act 1994 that changed the employment status of Public Service executives from officers to contract employees. The Public Interest Disclosure Act 1994 is of wide application,

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and existing definitions bring under the Act the actions of Territory employees, whether or not they are officers of the Public Service, as well as consultants or those otherwise acting on behalf of the Territory. However, the current terminology in the body of the Act focuses on “officers”. In the face of changes to the composition of the Public Service and the fact that other government businesses not employing public servants are also covered, wider terminology should be used. The Bill adopts the use of an existing term, “public official”, throughout the Act. This ensures the widest possible coverage.

These are, for the most part, housekeeping or technical amendments aimed at improving the operation of the Act. They reflect the Government's continued interest in fraud control and high standards of integrity for public sector employees. Where there is evidence of corruption or misconduct, it should be dealt with quickly and efficiently. I commend the Bill to the Assembly.

Debate (on motion by **Mr Whitecross**) adjourned.

#### **STAMP DUTIES AND TAXES (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister and Treasurer) (10.40): Mr Speaker, I present the Stamp Duties and Taxes (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Stamp Duties and Taxes Act 1987. The Stamp Duties and Taxes Act imposes stamp duty on a number of commercial transactions which have a nexus with the Territory, including the transfer of shares in ACT incorporated companies and transfers of shares listed on the Australian Stock Exchange traded through brokers located in the ACT.

Mr Speaker, the Commonwealth Government recently made a public offer of its remaining 50.4 per cent shareholding in the Commonwealth Bank of Australia, which amounted to approximately 400 million shares. Due to its desire to attract as many investors as possible to take up the Commonwealth Bank shares, the Commonwealth adopted a more complex sales structure than has been used in the past. That structure involves both payment by instalment and the issue of a new form of security, which can be traded both privately and on the Australian Stock Exchange.

Under the terms of the sale offer, successful investors were required to pay a first instalment of \$6 per share, at which time they were issued with an instalment receipt - also known as an "IR" - which evidences the investor's beneficial interest in the share. The shares themselves were transferred to a trustee company owned by the Commonwealth, to be held in trust for the investor until such time as the second and final instalment of \$4.45 is paid. The last date for payment of the final instalment is 14 November 1997, but investors may pay the balance at any time prior to that date. On payment of the final instalment, the trustee company will transfer the shares to the purchaser. In the meantime, investors may trade in the instalment receipts, both privately and on the Australian Stock Exchange.

Mr Speaker, the purpose of this Bill is to expand the definition of "marketable security" to include instalment receipts, to ensure that they are liable for stamp duty. This action is being taken to protect our Territory's revenue base and is in line with action being taken by Victoria, Queensland and Western Australia. South Australia, Tasmania and the Northern Territory already have broad marketable security definitions, while New South Wales recently enacted legislation to duty such instruments.

To provide certainty for the Commonwealth Government, brokers and potential investors, I issued a media release on 14 July 1996 announcing the ACT Government's intention to duty such instalment receipts from their date of first issue. Similar announcements were made by the Victorian, Queensland and Western Australian governments. I also announced that legislation would be introduced in the spring sittings at the earliest possible date. While the legislation will have retrospective effect from 15 July 1996, it was not possible, obviously, to introduce the legislation during the autumn sittings because we did not have sufficient details about the newly created instalment receipts.

Mr Speaker, passage of this Bill will ensure that the Territory is entitled to duty on all private transfers of instalment receipts, together with any trade in instalment receipts on the Australian Stock Exchange through ACT brokers. While it is expected that most trading in instalment receipts will take place through brokers in Sydney and Melbourne, some revenue is expected to flow to the Territory, although the amount cannot be quantified at this time. Finally, Mr Speaker, it is appropriate for members to be made aware that the definition of "instalment receipt", as currently drafted in the Bill, is sufficiently broad to cover other Commonwealth Government privatisations, such as Telstra, should they follow the same sale structure. I commend the Bill to the Assembly.

Debate (on motion by **Mr Whitecross**) adjourned.



**LOTTERIES (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister and Treasurer) (10.45): Mr Speaker, I present the Lotteries (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Lotteries Act 1964. The Lotteries Act regulates the manner in which lotteries, including scratch lotteries, raffles, housie and trade promotions, are conducted in the Territory. Persons wishing to conduct lotteries must apply in writing for approval and, once granted, adhere to strict advertising, ticket sale and prize draw guidelines, as well as provide a detailed report to the Revenue Branch of the Office of Financial Management on the completion of the draw. Currently, the only exception to this is where the lottery is conducted for a charitable purpose and the total value of the prize does not exceed \$40.

Mr Speaker, the minimum total prize value of \$40 was set in 1964 and is now regarded as totally inappropriate. We all know that most raffles run by our P and Cs, social clubs at the workplace, local scout groups and so on now have a value of much more than \$40, and it is not the intention of our legislation to burden these groups with permit applications. To provide better service to our community, Mr Speaker, the Bill provides that the minimum total prize value of \$40 be removed from the Act and that in future this amount be set by determination. This determination would be a disallowable instrument and, as such, would be subject to scrutiny by the Legislative Assembly. Once the passage of this Bill is completed, Mr Speaker, the minimum prize value will initially be set at \$500. At this level, the interests of ACT charities and community groups will be served, while at the same time reducing the administrative workload associated with the regulation of charitable lotteries.

Finally, Mr Speaker, Parliamentary Counsel has taken this opportunity to revise the penalty structure of the Act to penalty units, as part of the Government's penalty update process. I commend the Bill to the Assembly.

Debate (on motion by **Mr Whitecross**) adjourned.

## **DENTISTS (AMENDMENT) BILL 1996**

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (10.48): Mr Speaker, I present the Dentists (Amendment) Bill 1996, together with the explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the Dentists (Amendment) Bill 1996 has been in preparation for a considerable length of time, and I am pleased to see it at last coming to fruition. It is the eighth of a series of nine ACT health professions registration laws to be amended in accordance with the Australian Health Ministers' agreement to adopt consistent standards in relation to the regulation of health occupations.

The Dentists (Amendment) Bill 1996 amends the Dentists Registration Act 1931 and provides for nationally agreed uniform standards and arrangements for regulating dentists, specialist dentists and dental hygienists. It also provides for an expanded range of uniform sanctions which can be imposed on a dentist, specialist dentist or dental hygienist in disciplinary matters or on health grounds. In particular, the Bill recognises the entitlement of a person who is registered as a dentist, specialist dentist or dental hygienist in a State or another Territory to registration in the ACT and provides for conditions which are imposed upon a person's registration in another jurisdiction as a result of disciplinary action to be applied in respect of the person's registration in the Territory.

These provisions are intended to be consistent with the mutual recognition principle relating to occupations as set out in section 17 of the Commonwealth Mutual Recognition Act 1992. The application of that principle to the Territory and to other jurisdictions has given rise to the desirability of adopting agreed minimum requirements for registration as a dentist, specialist dentist or dental hygienist. Unless all jurisdictions where mutual recognition applies have the same standard of recognition, the jurisdiction with a lower standard will provide a means for a person who satisfies that standard, but not the higher standard required by other jurisdictions, to gain registration in those jurisdictions under the mutual recognition principle.

In order to be eligible for general - that is, unconditional - registration as a dentist, applicants must be graduates of a course of education or training in dentistry offered by an Australian institution that is accredited by the board or a registration authority in a State or another Territory; or have completed a course of education or training in dentistry in a place outside Australia which is accredited by the board, passed such examinations as the board requires, and undertaken such training and gained such experience in practising dentistry for such period, not exceeding 12 months, as the board requires.

In order to be entitled to unconditional registration as a dental hygienist, a person must be a graduate of a course of education or training as a dental hygienist offered by an Australian institution, being a course that is accredited by the board or by a registration authority of a State or another Territory; or have completed a course of education or training as a dental hygienist in a place outside Australia which is substantially equivalent to an Australian course and which is accredited by the board, passed such examinations as the board requires and undertaken such training or gained such experience in practising as a dental hygienist, for such period as the board requires, but again not exceeding 12 months.

To be eligible for registration as a specialist dentist, a person must be a registered dentist, hold a qualification in a specialist branch of dentistry, being a course that is accredited by the board or approved by a registration authority in another State or Territory, and have gained experience in that specialist branch of dentistry by holding an appointment in a hospital approved by the board, or by practising in such circumstances as the board considers warrants the person being regarded as a specialist dentist.

In addition to unconditional registration, the Dental Board has a discretionary power to register a person as a dentist "with conditions" in certain circumstances. Under these provisions, the board may impose such conditions on a person's registration as it considers appropriate so as to limit the person's ability to practise in a way that the Dental Board considers reasonable for that person in the interests of public safety. The Bill provides for new registration arrangements and distinguishes "initial registration" from subsequent streamlined mutual recognition procedures for registered dentists, dental specialists and dental hygienists from participating jurisdictions under the mutual recognition arrangements.

The Dental Board's disciplinary powers have been expanded to provide for a range of uniform sanctions which can be imposed, either singularly or in combination, on a person's registration as a result of disciplinary action or in cases of impairment. There is, however, a requirement for the board to hold an inquiry prior to imposing any of the expanded range of sanctions on a person's registration. Where a dentist or dental hygienist has had conditions imposed on his or her registration under the impairment provisions, that person may request the board to review those conditions. If the board is satisfied that the impairment has lessened or that the person no longer suffers from that impairment, it may remove the conditions or impose new conditions on the person's registration. If the board refuses to review the conditions imposed on a person's registration under these circumstances, there is a right of appeal to the Administrative Appeals Tribunal.

The provisions pertaining to registration as a specialist dentist have been drafted to require a person to remain registered as a dentist, and, where conditions have been imposed on a person's registration, those conditions will equally apply to the person's registration in both categories. Mr Speaker, whilst dental therapists are not registered under the Dentists Registration Act 1931, the provisions relating to that occupational group in the ACT have been expanded by this Bill. Dental therapists are public servants employed by the Department of Health and Community Care who work within the School Dental Service. The Bill inserts into the Act a list of dentistry procedures

which may be undertaken by dental therapists. It also sets the parameters of supervision by a registered dentist, which is required for this occupational group. The age for children on whom dental therapists may perform these procedures is also specified as being under 17.

The transitional provisions will ensure continuation of registration for dentists and dental hygienists registered under the Dentists Registration Act 1931 and will be subject to the same terms and conditions as applied to the person's registration immediately before the commencement of the new provisions. The transitional arrangements also entitle persons who were granted provisional registration under the principal Act to interim registration under the new provisions. Where a person has failed to pay the annual fee that became payable by him or her under the principal Act, or whose registration was cancelled for failure to pay the fee, the transitional arrangements ensure that the fee remains payable or registration remains cancelled under the new provisions.

Mr Speaker, the transitional arrangements also provide for the continuation of inquiries and reviews or the investigation of complaints in relation to the dentist's or dental hygienist's previous conduct which were pending or under way immediately prior to the enactment of the present amendments. Decisions of the Dental Board in respect of registration, disciplinary and impairment matters will be subject to review by the Administrative Appeals Tribunal. Finally, Mr Speaker, the Bill also provides for a number of amendments of a housekeeping nature, to remove sexist language and redundant provisions dealing with registration of interstate practitioners and personal attendance requirements, which will now be dealt with under the mutual recognition legislation framework. I commend the Bill to the Assembly.

Debate (on motion by **Mr Berry**) adjourned.

## **FIREARMS BILL 1996**

**MR DE DOMENICO** (Minister for Urban Services): Mr Speaker, pursuant to standing order 127 and at the request of the Attorney-General, I fix a later hour this day for the presentation of this Bill.

## **POSTPONEMENT OF NOTICES**

Motion (by **Mr De Domenico**), by leave, agreed to:

That notices Nos 6 to 9, Executive business, be postponed until a later hour this day.

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**LEGAL AFFAIRS - STANDING COMMITTEE**  
**Inquiry into Use of Surveillance Cameras in Civic - Alteration to Reporting Date**

**MS FOLLETT** (10.59): Mr Speaker, I seek leave to move a motion on behalf of Mr Osborne, the chair of the Legal Affairs Standing Committee.

Leave granted.

**MS FOLLETT**: I move:

That the resolution of the Assembly of 29 February 1996, which referred the matter of the use of surveillance cameras in preventing crime to the Standing Committee on Legal Affairs for inquiry, be amended by omitting from paragraph (2) "by the first sitting day in September 1996" and substituting "by 26 September 1996".

I believe that members will be aware that the Standing Committee on Legal Affairs has been making exhaustive inquiries into the use of surveillance cameras as a means of preventing crime. We have done so on the motion of this Assembly, and we are very well advanced in our consideration of that matter. We do, however, require a very short extension of time in order to meet with an interstate organisation and to finalise the committee's report. It is a matter of several weeks; but I believe that the Assembly will get a much better report if members do accede to this request for an extension. I commend the motion.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Reference - Nudurr Drive Construction**

**MS FOLLETT** (11.01): Mr Speaker, I move:

That:

- (1) the Standing Committee on Planning and Environment inquire into and report to the Assembly on the proposed construction of Nudurr Drive in Palmerston; and
- (2) the Government take no further action in relation to the construction of Nudurr Drive until the Committee has reported to the Assembly.

Mr Speaker, the fact that I am moving this motion reflects a most unfortunate chapter of accidents, I believe, in the consideration of the construction of Nudurr Drive. There are several issues that I want to touch on in speaking to the motion. The first is Mr Humphries's failure to respond to representations and inquiries that I have legitimately made on behalf of my constituents, as their elected representative.

Mr Speaker, I first raised this matter with Mr Humphries's office on 7 June 1996, which was the date on which one of my constituents from Macedon Crescent in Palmerston telephoned my office in a state of great distress as she had just found out that Nudurr Drive was about to be extended and that she had, at that time, only about a week to make objection or to respond to that proposal. I sent a note up to Mr Humphries's office on 7 June and I spoke to his office at the time. About two or three weeks later, Mr Humphries's office contacted me to ask whether they could have a copy of the note that I had sent up, and that was duly provided to them.

Mr Speaker, I heard nothing from Mr Humphries's office. I telephoned myself. On at least one occasion my office also telephoned to inquire about what progress was being made or whether there was any response on the issue. On 29 July, I actually wrote to Mr Humphries to point out that I had made my original inquiry some seven weeks previously and had not heard a word, and asked for the matter to be followed up urgently and for me to be advised of progress. That was on 29 July. I have still not heard a word from Mr Humphries's office on the matter. I think that is very regrettable. I have spoken to Mr Humphries's office since that time. I have been informed that their policy is to respond to fellow members within seven days. I support that policy totally, Mr Speaker. I only wish that it had been implemented on this occasion. It might have saved a lot of trouble.

Mr Speaker, I think the fact that even at this date there has not been a word to me or to my office about the extension of Nudurr Drive really does reflect very poorly on the management of a sensitive matter by at least one Minister in the Government. There has been, of course, a further mismanagement. That occurred, apparently - I say "apparently" because I do not have the letter myself - in Mr De Domenico's office, where the response which had been planned to be sent to the residents of Macedon Crescent was actually sent to the *Chronicle*, but not to the residents. Mr Speaker, the residents have now received that letter. They received it, dated 23 August, when, in fact, it had appeared in the *Chronicle* at least a week before that. Three of the residents actually wrote to Mr De Domenico pointing out that they had not received the letter that had been quoted in that *Chronicle* article. I understand that that was a genuine error in Mr De Domenico's office. Unlike Mr Humphries, he had at least written a letter. So, that is a point in his favour.

Mr Speaker, whilst all of these matters ought to be of concern to the Government, they pale into insignificance when you look at the issue itself. In particular, I have been concerned over the failure of appropriate consultation on the extension of Nudurr Drive. Mr Speaker, this is the matter that first brought the proposal to attention. I believe that the Nudurr Drive Action Group have been in touch with most members of the Assembly, or at least with the members for Molonglo, to raise their concerns. The original notification of the proposal to construct Nudurr Drive was simply not properly advised to residents who would be affected. I believe that that fact is quite incontrovertible.

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Mr Speaker, I am aware that, as a member for Molonglo, you yourself wrote to Mr Humphries on 13 June. I do not know whether you have had an answer yet. If you have, I would like a copy.

**MR SPEAKER:** No.

**MS FOLLETT:** Mr Cornwell, a member for Molonglo, shakes his head and says that he has not received a reply either. Mr Cornwell, writing as a member for Molonglo, in his letter to the Minister said:

The second matter concerns the consultation process followed for this project. There appear to be both a delay in informing residents and a limit to the number of residents informed, as set out in the Action Group's submission under "Further Concerns".

In view of these inadequate consultation processes and the very valid objections raised to this proposed road as outlined in Design and Siting Application 961518, I strongly support the residents' group in asking for a review of this proposal.

So, it is not just the Labor Opposition that is pointing out a failure of consultation. My Liberal colleague, as member for Molonglo, has done similarly.

It goes further than that. Mr Humphries, who did write one letter on 19 July - this is the only letter on the matter from Mr Humphries that I have been able to track down - wrote to Ms Passaris of Macedon Crescent as follows:

I agree that some aspects of the community consultation on the Development Application have been less than satisfactory in this case -

he concedes that -

and the Department is now reviewing its notification procedures.

So, Mr Speaker, the Minister himself has conceded, at least to one of the residents, that the consultation process has been thoroughly up the creek. What happened, I think, Mr Speaker, was that many of the letters of advice about the proposed design and siting application actually went to the Macedon Crescent residents' former addresses in Belconnen, interstate and so on. But I do not think there is any real excuse for that. The fact of the matter is that there was a major proposal about to affect their amenity in a dramatic way, and they were not consulted upon it. That is the long and the short of it. So, there has been a total failure of consultation.

A second matter I want to draw to attention, Mr Speaker, is the property owners' right to actually get what they believe they are paying for. In the case of many of the members of the Nudurr Drive Action Group, they have informed me that they were well aware that there would be a road going in at the back of their back fences. They knew that,

and before they purchased their property, they maintain, they made appropriate and thorough inquiries as to where that road would be. From their inquiries, they advise me, they were of the clear understanding that the road would be at least 90 metres from their back fences. Mr Speaker, one of my constituents has informed me that he actually inquired - - -

**Mrs Carnell:** Who told them? I am actually quite interested. Was it the real estate agents or was it the Government?

**MS FOLLETT:** If you are interested, just listen. One of my constituents informed me that he went so far as to visit a government shopfront - the land and planning shopfront - to check up on where that road was going, and he never received any advice saying that it would be within 20 metres of his back fence. Mr Speaker, I believe, given the consistency of what the residents are saying, that there must be some truth to the matter. You could not get such a consistent story being told by all of the affected residents without some truth being present in their version of events, and, frankly, I believe them. Mr Speaker, there is no doubt in my mind that the location of this road has been shifted and that the marker pegs indicating where the road would go, which all of the residents saw before they purchased their properties, are no longer the marker pegs that the Government is using for the location of this road.

Mr Speaker, I want to raise one further matter, and that is the reasons put forward for moving the road closer to my constituents' properties. There are two reasons, basically, as I understand it - second-hand, admittedly - from the consultation that has taken place. The first of those is that the eventual development of the proposed suburb of Crace relies on the availability of land that would otherwise be taken up by Nudurr Drive. Mr Speaker, I simply do not believe this excuse. For one thing, the suburb of Crace is not due for development until well into the next century. In fact, it is due to commence in about 2018. At a public meeting on road planning for North Canberra, which I attended this week, it was apparent that the population projections for the Gungahlin area have been revised downward in a totally dramatic way - from an original projection of about 100,000 people down now to a projection of about 40,000 in the time period that we are looking at. I find it entirely improbable that the entire suburb of Crace will be required to be developed by that time. Frankly, I think the residents who are there now ought to be able to take advantage of that fact.

The other reason that has been put forward, I am told by my constituents, is that Gungahlin has been built to a price and that the residents there simply cannot expect the same level of urban amenity as exists in other areas in Canberra. I reject that totally. Mr Speaker, that position has been put to me in a meeting with members of the Nudurr Drive Action Group as being an accurate reflection of what they were told by departmental officers in consultation with them. It is also a matter that has been made public by another affected resident, quite independently. So, again, the corroboration of those two statements appears to me to lend enormous credibility to the statement. If that is the statement that was made, I think it is utterly reprehensible.



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Mr Speaker, I do not believe that we are yet at the bottom of this matter. I do believe that, in moving now to allow the issue to be fully investigated by the Planning and Environment Committee, we can give to both sides of the argument the benefit of a further and public airing of the issues. Mr Speaker, as a final word on the matter, I might just say that one of my constituents has said to me that the residents feel most aggrieved because the Assembly or the Government has been able to move an entire town centre, in the interests of protecting the habitat of the legless lizard. Why now is it not prepared to move a yet to be constructed road just a short distance, in the interests of protecting the habitat of the residents of Macedon Crescent? I thought it was a very good point, Mr Speaker. I can see that you think it was a very good point as well.

Mr Speaker, I believe that, on this occasion, the very least that has happened is that there has been a failure of consultation and perhaps a misunderstanding about where this road was to go. But I believe that we must halt action on it now. We must have an open and thorough investigation into what is the best outcome in these circumstances. I know, Mr Speaker, that the Government will accuse me now of holding up capital works, denying jobs and so on. I believe, however, that the interests of the residents - my constituents in Palmerston - should outweigh those considerations. I also believe that, when you look at the totality of the capital works that the Government itself has not proceeded with, this is but a drop in the ocean.

The fact of the matter is that the Government's own capital outlays are \$41.6m under budget - and that was even before I raised the issue of Nudurr Drive. So, Mr Speaker, I believe that the Assembly ought to say, "Mistakes have been made". There has clearly not been a proper response by the Government to elected representatives of the people of Palmerston. There has clearly been a failure of consultation. The Minister himself has admitted that. It is time now to step back, cease action, have a look at it and see whether we cannot come up with a solution that suits everybody, but most especially the constituents whom I represent. I realise, Mr Speaker, that the constituents have now received, very late, some notification from Mr De Domenico and from the Planning Authority - one document dated 23 August and one dated 26 August - advising them that the points that they have made will not be taken up in the construction of Nudurr Drive. I believe that that is not a fair response to those residents. I am now giving the Government and the Assembly, through its committee process, an opportunity to address the real concerns of those residents.

Mr Speaker, as I said, I believe that there has been a chapter of accidents in the Government's handling of this whole matter. I think that the Government ought to be big enough to admit that that is the case and now, at this very late date - some three months after the matter was raised - give the Assembly an opportunity to thoroughly review it.

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

**MR DE DOMENICO** (Minister for Urban Services) (11.16): Mr Speaker, the Government will not be opposing Ms Follett's motion. Let us get that clear from the start. I need to talk, very briefly, because it is not my area of responsibility, about what Ms Follett said - - -

**Ms Follett:** At least you can sign a letter, Tony.

**MR DE DOMENICO:** I will get onto that in a minute. I need to talk about some of the letters that were supposedly exchanged between her and Mr Humphries. There are a number of other points also that need to be made. For example, Nudurr Drive was shown in that same location on plans for Gungahlin prior to self-government. So it is not the case that it has, all of a sudden, happened overnight. The plans for the existing location of Nudurr Drive have been there since before 1989. It was shown, in fact, on the Territory Plan that commenced in October 1993. So, before we start laying blame right, left and centre, perhaps we should get to the stage of knowing what the facts are. That plan would have been subject to Assembly scrutiny by planning and environment committees and any member of this Assembly who cared to have a look at it.

The roads that surround Palmerston, Nudurr, Gundaroo and Gungahlin drives are all designed with a 60-metre wide reservation, and they have been on the plan since before 1989. They were always intended to be dual carriageways; once again, that is quite clear. The existing roads - Gundaroo and Gungahlin drives - are built closest to the houses; there is no doubt about that. What is proposed for Nudurr Drive is the same as for the other roads. I am advised that the residents have been consulted about their concerns on a number of occasions. This advice comes to me from the Planning Authority. The sound mounding and landscaping that has been agreed to is not required to enable the road to meet the noise and safety standards. What we are saying is that, notwithstanding the fact that we do not require certain things to be done in order to meet safety standards, they have been done anyway, after consultation with the residents.

The other point to be made is that we have no control over what real estate agents tell prospective residents. I am not aware of what the real estate agents would have said to prospective residents, and my understanding is that no inquiries were made of the planning and land development areas about Nudurr Drive. We need to get that on the record as well.

As I said, I cannot comment on what transpired between Ms Follett's office and Mr Humphries's office. I can say, however, that I signed a letter of response to those residents who wrote to me, first of all saying that it was Mr Humphries's problem, about three or four weeks ago, my recollection is. Apparently, that letter I signed three or four weeks ago did not get to the residents, or to all of the residents; it got to some of them, on my understanding. Therefore, after being contacted by Ms Follett's office two or three days ago, on 23 August, I immediately signed another letter and sent that out on the same day. Obviously, it has now gone to all the residents. I have a copy of that letter in front of me now, and I have another letter to the Nudurr Drive Action Group, signed by me on 26 August.

**Ms Follett:** I do not contest that, Tony. It has just taken three months to hear anything.

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**MR DE DOMENICO:** The first letter I got was on 23 July from the residents group. They should have had a response from me within about a week. It so happens that that letter was mislaid, misplaced or whatever - I do not know what happened to it; but they had a second response from me by 26 August. We have to get that on the record as well.

Without wasting the Assembly's time, on reading the file in front of me now, I believe that there is no reason why this should not be referred to the committee. I have had a word to Mr Moore, albeit very briefly, who assures me that he will expedite this issue as much as he can. The Government is on record on this, by the way. We were accused of not spending enough on public works and not creating jobs, and Nudurr Drive was one of the issues we decided to expedite. Notwithstanding that there are certain residents in that area - - -

**Mrs Carnell:** There are lots of residents in Palmerston who want it.

**MR DE DOMENICO:** Exactly. There are certain residents who are against our going ahead with Nudurr Drive where it is; but there are many more residents, I can assure the Assembly, who are of a different opinion. They think it is a great public works project and they want it to go ahead as soon as possible. That being the case, I am quite happy to refer it to Mr Moore's committee; but let us not get to the situation where, on the one hand, the Government is criticised over and over again for not spending enough on public works and, on the other hand, it is criticised when it does attempt to spend some money on public works, as requested by the community. That is why governments are here and oppositions are on the other side, I suppose. I look forward to the committee's quick look into this matter so that we can go ahead and build the residents the road they want.

**MR MOORE (11.21):** Ms Follett has spoken to me and I have discussed this with other members of the committee and we believe that we can expedite it reasonably quickly. Indeed, it has been our practice to ensure that the range of inquiries before us are dealt with as quickly as possible, and I believe that we have been very successful at that. There are some things that, for various reasons, take longer to deal with, and that is the nature of the democratic process and the nature of consultative processes.

One of the interesting comments I heard Mr De Domenico make was that there had been no inquiries of the Planning Authority but assurances had been given by real estate agents. That is one of the things I checked with the action group when they met with me. They said that they were prepared to provide statutory declarations that they had been to the Planning Authority and had been given assurances by various workers within the Planning Authority as to how this drive is going to affect their back fences. They were under an impression, and they are prepared to give a statutory declaration on this, about the sort of protection they were going to receive.

As yet, I do not know whether there have been any statutory declarations written; but I do know that this matter is of real concern to people, and I think it is an appropriate opportunity for us to have a look at it and to demonstrate yet again that this Assembly really does take residents' concerns seriously. It may well be that, in the end, the committee sees that the department has acted entirely properly, and the committee's recommendation may well be that the department should proceed in the way it has started. On the other hand, our recommendations may be the opposite. There is no way in which we are going to pre-empt the issue, but we know that there is a real community concern that we have to take seriously. That is why I am delighted that the Government has accepted Ms Follett's motion and that members of the committee are also prepared to accept it and to do what we can to sort this issue out and deal with it.

It is something of a disappointment to me that the Minister for Planning - I will go reasonably easy because he is not here to defend himself - has not been able to sort this out and get back to us individually on what he has been able to find out and why he has not made a further decision. He will have the opportunity anyway in bringing a submission to the committee and he will have the opportunity as well, if he wishes, to appear before the Planning and Environment Committee, as he did on one previous issue, which I believe was particularly helpful. Mr Speaker, I assure the Assembly that our committee will do everything it can to deal with this issue as quickly as possible. We are also conscious of the need for capital works to continue and not to be delayed. Indeed, that is a matter for discussion on the capital works program, which I will probably talk about in a couple of minutes.

**MS TUCKER** (11.25): The Greens will be supporting Ms Follett's motion. I also have been contacted by constituents from the area, who asked me for particular advice on what they considered might be a wetland in the area where the road is apparently to go. I went with someone of considerable expertise, but we could not support the view that it was of great ecological value. However, the fact that these people were so attached to any kind of wild area is a really good indication of what people value. Their response to a road being put there is, once again, a very strong statement of the values that so many people still have in our community.

While we are an urban community and we use cars, the impact of the roads is a constant source of distress to people in the community. We went to a meeting on Tuesday night where we heard many people speak of their concerns about the impact of our requirement to use cars so often. The issue of public transport was raised again at that meeting, and the people who were there from Urban Services, I guess it was, were saying that it would be absolutely pie in the sky to imagine that we could double the 13 per cent of people, I think it was, who use public transport. I guess that is where we have to say, "No, it is not pie in the sky". If we had a real commitment to changing our transport strategy in this town, and I look forward to discussing it more fully this afternoon during Mr Moore's MPI, we would not have to see these kinds of events happening so often. It is not going to get better; it is going to get worse and worse, unless we decide to take some proactive action on changing our strategies so that more people use public transport and we do not have to keep building more and more roads.

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The other comment I have to make is that, if they were correct about where they thought the road was going, it seems to be an extremely expensive option. There was a little wetland there; it was a natural drain, and for practical reasons I am very surprised that they would want to put a road there. If they put it further back towards where the CSIRO is now, it would cost less. You wonder about the rationale behind even that side of it. I am delighted that this is going to be looked at a little more carefully, and I am happy to support Ms Follett's motion.

Question resolved in the affirmative.

**ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE**  
**Report on Legislative Assembly (Broadcasting of Proceedings) Bill 1995 - Government Response**

Debate resumed from 21 May 1996, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

**MR MOORE** (11.29): I will take just a moment or two to comment that, having had the Government response to the paper, with the indication of the Administration and Procedure Committee to proceed through them, I will be preparing drafting instructions in accordance with the way the Government has responded and hope to be able to get those to the Assembly in the not too distant future.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on 1996-97 Draft Capital Works Program - Government Response**

Debate resumed from 23 May 1996, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

**MR MOORE** (11.29): I rise briefly to comment more on the process than on the report of the committee on the draft capital works program. I believe that there has been a very positive process whereby the committee has worked in an appropriate way with the Government. I would like to take the opportunity to congratulate the government officers, who have spent a great deal of time ensuring that they worked as closely as possible with the committee to improve the processes for capital works. I appreciate the Chief Minister making those officers available to us, allowing us to work both formally and informally to ensure that we have the best possible process. I think it has brought about some very positive outcomes, and I hope we will see increased positive outcomes when we go through the same process in the not too distant future.

**MRS CARNELL** (Chief Minister and Treasurer) (11.31), in reply: I thank members for their support and I also thank the committee for its work and for the very positive response to the program of works provided for scrutiny. It is pleasing to see the improvement in the capital works process and, in particular, the tightening up of criteria in the justification for proposals. Capital works is a major component of the budget and it is essential that we ensure that the funds are used in the most effective way. This has been an area of major concern for previous governments, and the underspend again in this last financial year is of major concern. The Territory simply cannot afford to tie up budget funds in this way. The changes coming through the 1996-97 program and the processes are a start in turning these past performances around.

The committee made a number of proactive recommendations, and some of these have already been put in place by the Government. For example, bringing forward design and document readiness in advance of the financial year has been commenced already. Mr De Domenico spoke about a total of 35 projects having been advanced, and I understand that 19 of these were tendered in June and July. So, already those tender processes are under way. The committee's report was positive in many areas, and this has been further reinforced by an informal meeting between the committee and the interagency capital works group. The group appreciated the open discussions, and I am sure that these meetings will happen in the future and will be to everybody's benefit. I know that Mr Moore was fairly happy with those informal approaches. Notwithstanding the positive improvements, it is recognised that we still have a great deal to be done. With the tight financial position facing the Territory, we need to ensure that funds are put to the best possible use and that capital works performance is clearly linked with the needs of and the benefits to the community. I am sure that the improvements with the 1996-97 capital works program will be a good starting point.

For the information of members, it is currently planned that the draft 1997-98 capital works program will be with the Planning and Environment Committee in January 1997. Fully justified proposals will be considered by the Government in December this year. Those are the timeframes that we plan, Mr Speaker. As the Assembly would be aware, capital works projects now have to go through a significant process to ensure that they are in line with the community needs and with Government policy. Let us hope we can get that capital works program to the committee by January, to give it plenty of time to look at them.

Question resolved in the affirmative.

**ECONOMIC DEVELOPMENT AND TOURISM -  
STANDING COMMITTEE  
Report on Expansion of Nature-based Tourism in the ACT -  
Government Response**

Debate resumed from 23 May 1996, on motion by **Mr Humphries**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on.

## FIREARMS BILL 1996

**MR HUMPHRIES** (Attorney-General) (11.35): Mr Speaker, I present the Firearms Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

The package of Bills I am presenting today will go a long way towards making the ACT a safer place in which to live. In particular, the Firearms Bill gives full effect to the resolutions agreed to by the Australian Police Ministers Council at its recent historic meetings. The first of those meetings, as members will be aware, took place on 10 May 1996 and resolved that all jurisdictions should ban the possession and use of semiautomatic firearms and pump-action shotguns. Legislation to this effect was passed by this Assembly on 16 May and was enacted the following day. I approved an amnesty for the surrender of firearms which were banned by that Act, and to date almost 1,500 of those weapons have been surrendered in the ACT. That represents over one-third of the firearms that have been banned by this amendment.

Mr Speaker, today's Bill and the Bill which I will introduce shortly after this one, the Prohibited Weapons Bill, will replace the existing Weapons Act in its entirety. The Firearms Bill prescribes a comprehensive range of firearms which will not be permitted except in special circumstances. The Bill enacts the categories of firearms that have been agreed to by all jurisdictions and a range of firearms registration procedures and licensing conditions which will apply to all firearms in the ACT. The ACT has historically had the toughest firearms control legislation of any jurisdiction in Australia. I do not intend for that position to change. The enactment of this Bill will confirm the ACT's support in full for the resolutions of the Australian Police Ministers Council and, in a number of areas, will go further.

This Bill represents an appropriate response to the community's expectations that parliament will enhance their safety and wellbeing and will seek to alter significantly the culture surrounding the possession and use of firearms in this community. Firearms ownership, Mr Speaker, is a privilege, not a right. It carries enormous responsibilities and requires adequate training. Firearms ownership is not to be

undertaken lightly or for improper reasons. The vast majority of firearms owners, both here in the ACT and around the country, understand and respect this principle. They are responsible and law-abiding people, and they support the principles encapsulated in this Bill. Unfortunately, there are some vocal elements in the so-called gun lobby which will seek to criticise and detract from this legislative package and similar packages to be introduced in other jurisdictions. They do so without the support of most firearms owners and, indeed, the wider Australian community.

Before going on to discuss the Bill in some detail, I want to outline some of the events which led to this Bill being developed. All Australians were shocked and dismayed to learn of the events which occurred at Port Arthur on 28 April this year. That event, I am sure, will be etched in our memories and the memories of our children for many years to come. Thirty-five people lost their lives, and many others are suffering injury and trauma which will last for years to come. The nation's Police Ministers met in Canberra on 10 May to consider what for years has been seen as an issue for the too-hard basket. At that meeting all jurisdictions agreed to a range of measures, including a nationally linked firearms registration scheme, minimum licensing conditions and a ban on semiautomatic and self-loading firearms across all of Australia.

Legislation to ban semiautomatic firearms was presented to this Assembly the following week and was passed with the support of all members. I would like to acknowledge the multipartisanship with which this issue has been handled in the ACT, and I can only hope that my colleagues in other jurisdictions will find the same level of support in their parliaments. That multipartisanship marked a new moment for this Assembly and for the ACT community as a whole. Our community expected action and we, as the representatives of our community, delivered quickly on those expectations. I hope that the measures which I am announcing today will be met with similar support in this Assembly and in the wider community. There is a pressing need now to enact comprehensive legislation which will provide for national uniformity and a clear statement that Australia will not proceed down the path of some countries, such as the United States of America, by weakening controls on firearms.

Mr Speaker, the national guidelines for firearms control which have been adopted by Police Ministers are different in approach to the current position in the ACT, but they are not different in concept. The objects of this Bill are to prohibit the possession and use of firearms, except in appropriate circumstances which are outlined in the legislation; provide for permits to be issued subject to appropriate conditions for the possession, acquiring and use of firearms; and provide for a licensing and enforcement scheme for firearms owners. Together with the Prohibited Weapons Bill, which I will introduce shortly, this Bill will enhance the overall safety of members of our community. It will also facilitate a smooth transition to the agreed national system for the control and regulation of firearms.

I table, for the information of members, the full text of the resolutions agreed to by Police Ministers at meetings in May and July. The resolutions of the May meeting were as follows. Resolution 1 required that bans be placed on semiautomatic and self-loading firearms. That resolution resolved that all jurisdictions would move as quickly as possible to implement that ban. The ACT moved within the week to introduce that ban



and became the first jurisdiction to do so. Resolution 2 resolved that an effective nationwide registration scheme for all firearms be established and that links be provided between jurisdictions through the national exchange of police information (NEPI) network. Resolution 3 requires all applicants for a licence to establish a genuine reason for owning, possessing or using a firearm and also a special need for categories B, C, D and H firearms.

Resolution 4 provided for basic standard licence requirements and licence categories to be established. Those common licence categories for particular firearms will be: Category A, air rifles, rim-fire rifles, excluding self-loading ones, single- and double-barrel shotguns; category B, muzzle-loading firearms, single-shot, double-barrel and repeating centre-fire rifles, and break-action shotguns and rifle combinations; category C, which is the category which is prohibited except for occupational purposes, semiautomatic rim-fire rifles with a magazine capacity no greater than 10 rounds, semiautomatic shotguns with a magazine capacity no greater than five rounds, and pump-action shotguns with a magazine capacity no greater than five rounds; category D, the category for weapons prohibited except for official purposes, self-loading centre-fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance, non-military style self-loading centre-fire rifles with either an integral or detachable magazine, self-loading shotguns with either an integral or detachable magazine, and pump-action shotguns with a capacity of more than five rounds, self-loading rim-fire rifles with a magazine capacity greater than 10 rounds; and category H, the restricted category, all handguns, including air pistols. These categories are reflected in Schedule 2 of the Bill that I have just presented.

Resolution 5 provided for standard safety training to be developed and for that training to be a requirement for all new licence applicants. Resolution 6 required that common agreed grounds for licence refusal or cancellation and seizure of firearms would be enacted. Resolution 7 required that permits be required for acquisition of every firearm and that a 28-day cooling-off period would apply in respect of each acquisition. Resolution 8 required minimum consistent standards for security and storage of firearms. Resolution 9 provided for firearms sales to be made only by or through licensed firearms dealers, that all sales be recorded and that all dealers be required to submit regular reports. Resolution 10 required controls on mail order sales, the advertising of firearms for sale and the commercial transport of firearms and ammunition. Resolution 11 concerned compensation issues associated with the buy-back scheme.

At the July meeting, Police Ministers addressed a range of outstanding matters arising from those resolutions and agreed to a number of other more minor matters. A national cessation date for the buy-back scheme of 30 September 1997, with the ability for jurisdictions to end the amnesties before that date if they wished, was also agreed. The ACT's amnesty is scheduled to conclude on 17 May 1997, and I do not propose at this time to extend the ACT's amnesty. The principal concern is to send to those who own firearms which are now prohibited a message that these weapons are to be surrendered. Mutual recognition of firearms licences will allow bona fide interstate competition shooters to pursue their sport in other jurisdictions.

However, hunters seeking to hunt in another jurisdiction will require the permission of a landowner in that jurisdiction. While the ACT is happy to participate in a mutual recognition scheme with other jurisdictions, we will not do so at a cost to our own minimum standards. The ACT, for example, will not recognise licences in this jurisdiction which will not otherwise be issued to people in the ACT.

A range of conditions for firearms and ammunition collectors to enable bona fide collectors to maintain those collections will also be allowed. Official museums, such as the Australian War Memorial, will not be subject to the requirements of private collectors, but private museums and collections will have to meet these requirements. It is in the area of collections that the ACT will depart from the national scheme slightly. The national scheme requires that category C firearms in collections be rendered temporarily inoperable, while category D firearms be rendered permanently inoperable. Mr Speaker, this Bill provides for a requirement in the ACT that category C and D firearms in a collection be rendered permanently inoperable and that all firearms be rendered incapable of firing. It will be an offence to discharge a firearm authorised for collection purposes. There will be a very limited category of heirloom firearm licences requiring proof of inheritance and limited to a single firearm or matched pair. Such firearms must be rendered permanently inoperable.

Mr Speaker, one other area where the ACT will differ from the national scheme slightly is in the area of primary producers and their access to category C and D firearms. The national scheme will allow primary producers with very large rural properties to apply for more than one licence for category C firearms and in very limited circumstances to apply for category D licences for the purposes of culling large feral animals or in respect of the brucellosis and tuberculosis eradication campaign. Mr Speaker, these provisions obviously will not apply in the ACT. The practice of crimping, or remanufacturing, whereby self-loading firearms are modified to enable only two bullets to be fired, will not be permitted. Advice from the Australian Army is that the practice is reversible, and it will not be permitted under ACT law.

As members will be aware, compensation will be paid for prohibited firearms surrendered during the amnesty, whether held legally or illegally. The value of these firearms for compensation purposes is based on the nationally agreed list of value. I table a copy of the final list prepared by the Commonwealth. The list is based on the value of each firearm as at March 1996 and has been developed by an expert group convened by the Commonwealth. I understand that the values are derived in the main from dealers' catalogues and published selling prices. I am sure members will agree that the values represent fair compensation for those firearms overall. Jurisdictions are to make the necessary arrangements for payment and then seek reimbursement from the Commonwealth. The payment of compensation is well under way in the ACT. Firearm dealers have been paid compensation for their firearms and, in most cases, related accoutrements. Dealers are also entitled to compensation for loss of business caused by the new firearms provisions where that loss of business is valued using financial records of the business.

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Mr Speaker, of the almost 1,500 firearms which have been surrendered, around 300 owners of those firearms have been paid compensation following the recent approval of the scheme. I recognise that there is a backlog that has been created by the early implementation of the ACT's amnesty and the late approval by the Commonwealth, States and Territories of the compensation scheme. The Australian Federal Police is moving to process that backlog as quickly as possible, and I can assure gun owners who have already surrendered their firearms that they will be paid compensation very soon, if they have not already received it.

Members will have noticed that the Government placed an advertisement in local newspapers recently to advise firearms owners of what to do to surrender their firearms and receive compensation. I would like to take this opportunity to thank those firearms owners who have already handed in their firearms for their patience. I would also like to encourage those who have not yet handed in their firearms to do so without delay. The fact that the amnesty ends on 17 May 1997 does not make possession of those firearms legal up till that date. I fear, Mr Speaker, that some firearms owners in the community may misunderstand the purpose of the amnesty in those circumstances. Possession or use of firearms which were banned in May of this year is an offence now, and prosecutions can be launched by police in cases where firearms owners refuse to surrender those weapons or are discovered with them.

I would like also to acknowledge the work undertaken by police officers in the weapons registry and officers in my department, particularly those who have worked very quickly to implement these arrangements. Since the ban on semiautomatic weapons was introduced in May, those officers have had to work under enormous pressure to meet very tight deadlines. I am sure members will recognise the enormous amount of work which has gone into the preparation of these new firearms laws and implementation of the buy-back scheme.

I would like to turn now to the Bill itself and explain the contents and format of it. Part I contains, of course, the normal preliminary title and commencement clauses. Part II deals with the establishment of the office of Registrar of Firearms, the accreditation of instructions and the power to commence an amnesty. Part III of the Bill establishes the firearms licensing scheme, the categorisation of firearms, and the particular categories of restrictions for categories. It also establishes the genuine reasons required before a licence may be issued. This part also deals with suspension and cancellation of licences, seizure of firearms and the recognition of interstate licences. Importantly, Mr Speaker, clause 15 of the Bill creates the offence of unauthorised possession and/or use of a firearm. The penalty for this offence will be a fine of up to \$20,000, a term of imprisonment of up to two years or both for a person, or a fine of up to \$100,000 for a body corporate.

Part IV of the Bill deals with the establishment of a registration scheme for firearms and the linking of that scheme through the national exchange of police information to all other firearms registries. The ACT, of course, has had a firearms register since 1991, so the efforts required in our jurisdiction will not be as onerous as those required in Queensland,

New South Wales and Tasmania, which do not have registers. There will, however, be some modifications required to the ACT register to facilitate its linking to NEPI. This part of the Bill also requires that a licence for a firearm be endorsed with the type of firearm for which the holder has a permit.

Part V of the Bill sets conditions for the safekeeping of firearms. In particular, it creates an offence of failing to take all reasonable precautions to ensure a firearm is kept safely. It sets particular conditions on category A and B licences, which is consistent with the resolutions of the APMC. In addition, Police Ministers decided it was appropriate to require tougher security provisions for category C, D and H firearms. Those provisions are reflected in the Bill. Part VI of the Bill sets conditions on firearms dealers. They need to be licensed as dealers and they must record transactions. While as a rule this Government does not desire putting extra conditions on businesses, there is a need to ensure that firearms dealers are subject to the conditions we expect of their customers and subject to some mandatory reporting requirements. In addition, large quantities of stock, security of that stock and transferring it are significant safety concerns. While we recognise that there will be some loss of business as a result of the ban on semiautomatic weapons and pump-action shotguns, there is some compensation in that all firearms sold, whether by dealers or owners, must be processed through dealers.

Part VII of the Bill deals with powers of entry, search and seizure by police officers and the power of a police officer to give directions and obtain warrants. It is appropriate, in a market where the goods are particularly regulated because of a significant public safety issue, that police be given adequate but fair powers of enforcement. Part VIII deals with miscellaneous offences, and once again goes directly to the issue of having adequate enforcement powers to protect the wider community. The penalties are tough but appropriate for the seriousness with which the Government and community view firearms offences. It is essential, therefore, that firearms owners in the wider community understand that dealing with firearms involves a high level of trust and responsibility.

Part IX deals with prohibition orders which the registrar may make upon a person owning or using a firearm. Significantly, clause 110 allows the registrar to make an order prohibiting a person from possessing a firearm or using it if, in the opinion of the registrar, the person is not fit, in the public interest, to do so. In addition to this power, the registrar may use powers conferred upon him or her in clause 20 of the Bill with respect to the fit and proper person test involving the granting of licences. Part X of the Bill gives the right for application to be made to the Administrative Appeals Tribunal for a review of decisions made by the registrar in particular circumstances where the registrar makes a decision on an application. This is consistent with the Government's policy of enabling all decisions by public servants which impact on the community to be subject to independent merit review.

Part XI deals with miscellaneous provisions. In particular, clause 114 will enable a registered medical practitioner to inform the registrar of his or her opinion that a patient of that practitioner is an unsuitable person to possess a firearm because of the patient's medical condition or because the practitioner believes that the patient may present a danger to himself or herself or the wider community if the patient possesses that firearm.

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This is not mandatory reporting, Mr Speaker. The wording of the legislation is carefully chosen to include “may”, not “will”. The Government recognises that a requirement to report would place considerable pressure on doctors, both ethically and literally. The clause is framed so as to absolve the medical practitioner of any civil or criminal remedy or proceeding arising from expressing that view to the registrar. I would hope that the medical community would see this provision as being in the community's best interest. I want to draw the Assembly's attention to clause 127 of the Bill, which says that three years after the commencement of the Act it will be reviewed to ensure that the policy objectives contained in it remain valid and that the terms remain appropriate for securing the objectives. Subclause (3) requires that a report be tabled in the Legislative Assembly within 12 months from the time that the three-year period concludes.

Mr Speaker, in conclusion, the Government's commitment to tough but fair firearms laws is unequivocal. I am pleased that that view is held by, I believe, all members of this Assembly. The Bill is the culmination of some months of work by governments all over Australia. It is modelled particularly on the New South Wales legislation, but it has been changed to reflect the individual needs of this jurisdiction. Four months ago yesterday, our nation reeled in horror at the events which occurred at Port Arthur. It is important that we never allow ourselves to forget those who died at the hands of one gunman there and those who will feel the effects of that incident directly forever. In an effort to make our community a safer one, we need to remove high-powered weapons from circulation, not because lawful gun owners will necessarily use them for unlawful purposes but because having these high-powered firearms in circulation can lead to these horrific incidents. For the memory of those killed at Port Arthur, as well as the many Australians who have died and been injured by bullets fired from these firearms, the nation came together and acted as one to address a problem which had gone unresolved for some years.

I put on record my admiration for the leadership demonstrated by the Prime Minister. During times when it looked that a national agreement would not have been possible, it was his leadership and his determination to see this done that drove all States and Territories to support his position. I know he will not mind if I quote from what he told Ministers at that meeting on 10 May. He said:

We do this because the people of Australia demand it, and the national interest requires it.

I commend the Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

**PROHIBITED WEAPONS BILL 1996**

**MR HUMPHRIES** (Attorney-General) (11.59): Mr Speaker, I present the Prohibited Weapons Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

I will be brief in my remarks on this Bill. As a consequence of introducing the Firearms Bill and repealing the Weapons Act 1991, it is necessary to introduce a Bill to deal with weapons not classed as firearms. The process of dealing with those weapons is much simpler than that of dealing with firearms. Thus the legislation is shorter, simpler and easier. The penalties for possession or use of a prohibited weapon are severe but not as severe as those for firearms. The penalties are a fine of up to \$10,000 or imprisonment for 12 months for a person, or a fine of up to \$50,000 for a body corporate.

The list of prohibited weapons attached to Schedule 1 reflects those weapons presently listed in Schedule 3 of the Weapons Act 1991. In the case of prohibited weapons or articles, the registrar, being for the time being the Registrar of Firearms, may issue a permit stating the conditions for use and possession of the item. Mr Speaker, the Government is considering adding one item to the schedule for prohibited weapons and one item to the schedule as a prohibited article. They are slingshots and handcuffs respectively. However, before adding weapons or articles to this list, I think it appropriate that I refer them to the Weapons Advisory Committee for advice. I will not do so until this legislation is passed, and I encourage other members who may have concerns about articles which can be used as weapons to bring them forward in this debate so that they too may be considered. I commend this Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

**PUBLIC TRUSTEE (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (12.01): Mr Speaker, I present the Public Trustee (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

The purpose of the Public Trustee (Amendment) Bill 1996 is to make a number of amendments to the Public Trustee Act 1985 which will remove a number of deficiencies in the principal Act which have become evident in recent times. The Public Trustee prepares wills, acts as an executor of wills or an administrator of estates for deceased

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persons and acts as a trustee for deceased estates. The Public Trustee also acts as a trustee of moneys awarded by the courts to minors and persons with a disability. The Public Trustee, therefore, provides an essential role in the community, in that in many instances the occupant of that position protects the interests of people who otherwise would have difficulty in obtaining the services of commercial trustee companies.

The proposed amendments to the Public Trustee Act 1985 are rather technical in nature and do not involve any major policy considerations. They are, however, aimed at granting greater equity to clients of the Public Trustee. They also enable the Public Trustee to collect an administrative fee where it is reasonable to do so. The proposed amendments are four in number. The first amendment will enable a management fee to be charged against interest earned on moneys in the Common Fund Guarantee and Reserve Account at the same rate as the management fee chargeable for the administration of moneys in the common fund. At the present time, because the Common Fund Guarantee and Reserve Account does not form part of the common fund, the Public Trustee cannot charge a fee for the administration of moneys in the account.

The second amendment will make the Common Fund Interest Account part of the common fund. This will allow for interest accrued but not received in respect of investments made from the common fund to be distributed at the same time as interest received by the common fund is distributed. The third amendment will allow any capital profit on investments made from the common fund to be credited to the Common Fund Interest Account, with the result that clients of the Public Trustee will obtain the benefit of the capital profit.

The final amendment will enable the Public Trustee to charge a management fee for the administration of moneys held in the common fund on the last day of each month. The Act at present allows the Public Trustee to charge such a fee on 31 March and 30 September each year and at such other times, if any, as the Public Trustee from time to time determines. This flexibility is considered undesirable by the Government Audit Office on the grounds that it gives the Public Trustee power to charge a management fee whenever the balance of moneys in the common fund is higher than usual. I commend the Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

### **UNCOLLECTED GOODS BILL 1996**

**MR HUMPHRIES** (Attorney-General) (12.04): Mr Speaker, I present the Uncollected Goods Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, the laws that currently exist in relation to uncollected goods in the Territory are very seriously out of date. The ACT currently does not have a law dealing with uncollected goods, in fact. Accordingly, the common law rules relating to bailment apply. The rules of bailment, like many other common law rules, are complex, archaic and inaccessible. While a number of statutory rules exist which deal with discrete situations involving particular bailees in the ACT, the current legal situation is unacceptable to those in business who find themselves in possession of goods which either have been abandoned or remain uncollected by their owners. This Bill will add certainty for those who find themselves involuntary bailees of goods. The prime objective of this Bill is to replace both the common law and statutory provisions as they relate to the disposal of lost or abandoned goods with new rules which identify situations where goods might properly be deemed as uncollected and to provide a process for their disposal. It is not intended to alter the common law rules concerning the resolution of competing claims for title in relation to lost or abandoned goods. That said, however, the new law will probably make disputes of this nature rare.

This Bill recognises that there should be differing criteria for goods of differing values. The Bill categorises five types of goods and their means of disposal. Those goods are perishable goods, goods of no value, goods of low value, goods of significant value and personal effects. Perishable goods may be disposed of at any time. A possessor of goods of no value, being goods with a net value of \$20 or less - there is a little legal fiction there - deemed to be uncollected goods may dispose of such goods, without further notice to the owner, one week after the goods are deemed to be uncollected. A possessor of goods of low value, those having a net value of between \$20 and \$500, may dispose of such goods, without further notice to the owner, one month after notice has been given in accordance with this proposed law. These goods may be disposed of by way of sale, appropriation or destruction. A possessor of personal effects deemed to be uncollected goods may dispose of the personal effects three months after notice has been given. A possessor of goods of significant value, which are goods whose net value is \$500 or more, deemed to be uncollected goods may dispose of the goods of significant value three months after the notice provisions have been complied with. Uncollected goods of significant value must be disposed of by sale at public auction advertised in a newspaper circulated within the Territory.

This proposed law is not intended to apply to unclaimed prizes under the Lotteries Act 1964 or unclaimed moneys under the Unclaimed Moneys Act 1950. It is also not intended to apply to animals under the Dog Control Act 1975 or the Pound Act 1928. The common law, in so far as it relates to matters dealt with by this law, is to be abrogated, and existing statutory law is to be repealed and consolidated in this Bill. As such, the Uncollected Goods (Consequential Provisions) Bill 1996 repeals sections of the Mercantile Law Act 1962, the Protection of Public Lands Act 1937, the Trespass on Territory Land Act 1932, the Public Baths and Public Bathing Act 1956, the Finance Regulations and the Auctioneers Act 1959. To the extent that a person has commenced a process under such a provision concerning lost or abandoned goods, it is intended that the person may complete that process or avail themselves of the process under the new law, at their election.



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This Bill gives an owner the right to apply to a court, before the time the goods may be disposed of under this law, for review of an account of any costs which must be met before the goods are released. This Bill also entitles a possessor to retain from the proceeds of any sale of uncollected goods of significant value the reasonable costs incurred by that person for the storage, removal, transport and other costs of complying with this legislation. That person would also be entitled to the reasonable costs of storing and maintaining the goods after the date on which the owner should have collected or taken delivery of them. He or she may also claim the amount of any lien and the amount of any unpaid rent owed. The balance of the proceeds of any sale or auctions will be paid to the ACT.

An exception to the proposed process relates to goods left at public baths. In recognition of the common occurrence of children leaving personal effects at public baths, the Government has decided to incorporate into this Bill the existing rules relating to goods left at public baths. Lost or abandoned goods found on any unleased property may be taken by the police or an authorised officer and held in a designated retention area. Where property, other than moneys, is found on Territory premises and not claimed by the owner of that property within three months, the Territory may dispose of the goods using the process set out in this Bill. Where the Territory has disposed of any unclaimed property by sale, the person who, immediately before the sale, was its owner may claim the sale price less the cost of the storage, maintenance or disposal of the property.

In summary, Mr Speaker, this Bill establishes a comprehensive statutory code governing the holding and disposal of uncollected or abandoned goods. It establishes a balance between the rights of the owner of the goods and the possessor of those goods. I commend this Bill and the Uncollected Goods (Consequential Provisions) Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

## **UNCOLLECTED GOODS (CONSEQUENTIAL PROVISIONS) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (12.10): Mr Speaker, I present the Uncollected Goods (Consequential Provisions) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

My comments in support of this Bill are contained in my speech in respect of the Uncollected Goods Bill.

Debate (on motion by **Ms Follett**) adjourned.

**CONSUMER CREDIT (ADMINISTRATION) BILL 1996**

[COGNATE BILL:

CONSUMER CREDIT (ADMINISTRATION)  
(CONSEQUENTIAL PROVISIONS) BILL 1996]

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 2, the Consumer Credit (Administration) (Consequential Provisions) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MS FOLLETT (12.11):** The Opposition will not be opposing these Bills put forward by Mr Humphries as the Minister for Consumer Affairs. Mr Speaker, both of the Bills follow on from the implementation of uniform credit laws. In the ACT that achievement of uniformity took place with the passage of the Consumer Credit Act 1995 and the consequential provisions. The current Bills establish the administrative framework for the uniform scheme, which is due to commence later this year. Mr Speaker, there are few, if any, arguable features of the Bills. In particular, they continue - with some changes, admittedly - the structures which have existed since the Credit Act 1995 was passed. Those structures include the Financial Counselling Trust Fund, the ACT Credit Tribunal, the inquiries power of the Minister, undertakings by credit providers and finance brokers, the powers and functions of the Director of Consumer Affairs and a range of other miscellaneous provisions. Mr Speaker, I think it is a very important feature of the new arrangement that the Director of Consumer Affairs has retained a very significant power and significant disciplinary powers within the new uniform credit legislation.

There is one issue that I did want to take up because it is something that certainly gave me pause in my consideration of these Bills. It is something which I believe merits very close monitoring as the new scheme comes into effect. The matter that I refer to, Mr Speaker, is the introduction of the so-called negative licensing arrangement for credit providers and finance brokers. What this means, as I understand it, is that, instead of potential credit providers having to pass a number of tests before they can be licensed, anyone who pays the required fee will be licensed and will be delicensed only if they offend in some way. In other words, the onus is on the Government to prove that someone is unworthy of a licence, rather than the onus being on the credit provider to prove that they are worthy of a licence.

Mr Speaker, there are obvious advantages and disadvantages in such a scheme. The main advantage, of course, is that it is administratively more simple for the consumer administration people and probably much cheaper as well. The obvious disadvantage is that, because there are not the kinds of gates for potential licensees to pass through, there is an increased potential for some pretty sharp operators to be licensed.

However, against that danger I would like to say that, as far as I am aware, we have not had a problem with sharp credit providers in the ACT. I believe there has also developed, or perhaps is still developing, a culture of greater compliance with the law and greater accountability amongst credit providers generally. I trust that that will continue to be the case. The negative licensing aspect of the scheme is something that needs very careful monitoring, and I trust that the Consumer Affairs Bureau will be undertaking that task with some zeal in order to protect the consumers from any improper practices or any exploitation which might tempt some of the less scrupulous credit providers. Having said that, I believe that the Bills ought to be supported. I note also that, as well as the licensing scheme, there is some scheme of registration - perhaps a double-check, in many ways, on the people who are to be regulated under these Bills.

I think the achievement of uniform credit laws is a major issue, not just for the ACT but for Australians. It has been very difficult to negotiate and to get agreement on uniform credit laws. It is something which I know that our former colleague Terry Connolly worked long and hard on. I am pleased to see that the present Government has now taken up the cause and is presenting us with what should be the finishing touches to the whole scheme of uniform credit laws for the ACT. Mr Speaker, as I said, with the reservations I have expressed about the negative licensing scheme and the need to keep that under the very closest scrutiny, I am prepared to support the Bills.

**MR HUMPHRIES** (Attorney-General) (12.17), in reply: Mr Speaker, I thank Ms Follett and the Opposition for their support of the legislation. This Bill is part of a package which is very significant in turning around the level of protection and particularly the level of uniformity in the Australian credit industry and will be a significant benefit to people who are in need of the provision of credit. Ms Follett rightly points out that it has taken a long time to reach the point where this legislation is being enacted nationally. From memory, the commencement date remains as 1 November. That will therefore be a very significant landmark in the development of national uniform laws, not just in this area but across the country. This was one area which was significantly subject to variations, idiosyncrasies, between jurisdictions. To have achieved a level of agreement in this area, albeit it over a long period of time, is a significant landmark.

I want to comment on the issues raised by Ms Follett concerning the negative licensing scheme. I confess that the Government grappled with this issue for some period of time. In fact, we initially decided on a positive licensing scheme and ultimately were persuaded that a negative scheme was as appropriate. Clearly, any scheme which deals in this area has to come to grips with the legacy of the not so distant past of credit providers getting into difficulties and producing significant problems for those who have made investments in them. The Pyramid Building Society in Victoria springs to mind particularly. No-one wishes to see an experience like that revisited on anyone in this jurisdiction. We have to think very carefully about how to avoid those sorts of situations. It is true that, with the advent of a number of national securities and corporate surveillance mechanisms, the likelihood of those sorts of things occurring again is probably greatly diminished, although of course States and Territories themselves have a role to play in making sure that we are able to draw the line and keep the level of protection to the community at a very high level.

The reason the Government ultimately chose to have a negative licensing scheme rather than a positive licensing scheme was fairly simple. It was our view that the onus of activity by agencies, in this case the Consumer Affairs Bureau, in respect of provisions in the credit legislation ought not to be processing applications and examining the paperwork that related to a person's bid to be registered or to be reregistered on a regular basis; that it should be enforcement and dealing with problems that are actually emerging, rather than problems that might appear on the face of paperwork lodged with the department. The desire to be proactive and out in the community looking out for signs of problems and randomly checking the records and accounts kept by credit providers was felt to be the right onus in achieving a high level of protection. Certainly, in the past positive licensing schemes have failed. I cannot exclude the possibility that negative ones might fail as well, but in this case the desire of the Government, and indeed a number of other Australian governments, has been to put the onus onto enforcement and getting out in the community and looking for signs of problems, rather than assuming that problems will appear on the paperwork that is lodged by credit providers when they apply for registration or reregistration.

That is the onus that was chosen. I think it is the decision that has now been made by most Australian governments in dealing with this situation. We will see how this transpires. Clearly, if a problem emerges, if we find that credit providers are using negative licensing to avoid taking basic steps in ensuring that their clients, their customers, are protected, then we will have to reconsider this model; but I think that the model is now well enough established and the onus that falls on credit providers well enough known in the industry to present an opportunity for us to focus our efforts in other areas where they can be of more value and where greater return can be achieved.

I thank the Opposition for its support. I hope that the beginning of the national consumer credit regime across this land will be a significant step forward. In the past something like 20 per cent of credit transactions have been covered by legislation, at least in the ACT. Now that this legislation is in place, 100 per cent of consumer credit transactions will be affected and regulated. That is a very significant expansion of the protection that we are able to offer. I hope that it will produce a level of benefit to the community.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (12.23): I move:

Page 5, line 2, insert the following clause:

#### **“Exemption - banks**

3A. This Part does not apply in relation to a bank.”.

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This amendment inserts a new clause, clause 3A. I present the explanatory memorandum for the amendment. The Government amendment is designed to exempt banks from Part II of the Bill. Part II creates a registration scheme for credit providers in the ACT. Under Part II, clause 6 states that a person cannot provide consumer credit in the ACT unless they are registered. Mr Speaker, as the Bill stands, there is no exemption for banks. Therefore, Part II purports to require banks to be registered under this arrangement before they are allowed to provide credit in the ACT. Originally, it was envisaged that banks and other financial institutions would be subject to the same requirement of registration. In our view, that would have created a level playing field for all participants in the credit market. However, this requirement has been found to be directly inconsistent with the Commonwealth's Banking Act 1959, and accordingly the Government amendment exempts banks from the requirement of registration and removes this inconsistency.

I regret that in many ways. I think it would have been appropriate to bring banks and other credit providers into the same catchment. Clearly, the differences between banks and other institutions is disappearing fast. Indeed, the Assembly recently passed legislation which removes the discrimination against other financial providers with respect to holding accounts under legislation and so on. I trust that a continuation of that trend will be possible, notwithstanding on this occasion our inability to bring banks within the purview of our own credit legislation.

**MS FOLLETT** (12.25): I agree with Mr Humphries that this is a most unfortunate amendment to have to introduce into the legislation. I would have infinitely preferred the banks and non-bank financial institutions to be on exactly the same footing in relation to consumer protection in the credit laws. However, I accept that you cannot have a piece of ACT legislation which is totally inconsistent with the Commonwealth Banking Act 1959. Regrettably, on this occasion anyway, it is the ACT that has given way, not the Commonwealth Banking Act. I have very little doubt, Mr Speaker, that this amendment was insisted upon by the banks themselves, rather than discovered by the Government or the Consumer Affairs Bureau. It is very much to be regretted that the banks still wish to put themselves beyond the credit laws, which I believe are well accepted within the community as very necessary. I hope that the banks will not find that consumers are expressing greater confidence in, and therefore taking greater business to, the non-bank financial institutions. Mr Speaker, I accept the need for this amendment put up by Mr Humphries. I suppose the black-letter law demands it, but I think it is regrettable that we cannot have all of our potential credit providers included under the one umbrella.

Amendment agreed to.

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

Bill, as amended, agreed to.

**CONSUMER CREDIT (ADMINISTRATION)  
(CONSEQUENTIAL PROVISIONS) BILL 1996**

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.28 to 2.30 pm**

**QUESTIONS WITHOUT NOTICE**

**Child Abuse - Mandatory Reporting**

**MR WHITECROSS:** Mr Speaker, my question without notice is to Mr Stefaniak as Minister for Children's and Youth Services. Minister, what additional funds and resources, apart from training mandated persons, is the Government going to make available for following up and investigating reports of child abuse when mandatory reporting comes into law next year?

**MR STEFANIAK:** Mr Speaker, I thank the member for the question. The Government, as part of its mandatory reporting of child abuse strategy, is adopting a staged approach so that we can assess exactly how much will be needed for that system to be implemented correctly. That is crucially important because experience in other States has shown that the incidence of reporting of child abuse increases quite considerably after the training has been put in place. We are about to complete training in the Belconnen and Gungahlin areas before we move on to Tuggeranong in September.

As for how much it is going to cost, the Government cannot state in exact terms what additional funds we will put in. Because we are doing the training in four separate areas, we will be able to assess the impact of increased reporting of abuses as a result. Members should bear in mind that the ACT, with its current voluntary system of reporting, has an incidence of reporting about the same as a lot of the States where, in fact, it already is mandated. That is, I think, a very commendable thing in terms of the ACT community.

**Mrs Carnell:** So it might not be any.

**MR STEFANIAK:** However, we are still expecting, Mr Speaker, that there will be some increase and we are adopting this staged approach so that the Government will be able to know exactly how much extra it has to put in. I think that both I and the Chief Minister have said on a number of occasions that we expect to have to put in more money. That is something the Government expects. We realise that we have a duty to ensure that we end up with a system that is exemplary and can do its best to counter this rather prevalent blight on certain sections of our community. In terms of the actual costs, that assessment is ongoing, Mr Whitecross, but we fully intend to fund the scheme properly.

**MR WHITECROSS:** I have a supplementary question, Mr Speaker. I am somewhat confused because Mrs Carnell said, by way of interjection, that it might not be anything and you are saying that there will be some. Mr Stefaniak, can you explain how evaluating the training will lead you to an understanding of how much more resources will be needed for following up cases? Is it not the case that Family Services is already unable to deal with the number of reports it is getting on a voluntary basis? Is it not, therefore, the case that more resources are necessary just to deal with the current load, let alone the load that might come with the implementation of mandatory reporting?

**MR STEFANIAK:** I will take the second part of your supplementary question first, Mr Whitecross. Family Services, I think, is in far better shape than when you lot were in power. I seem to recall that when we got into power there were about 12 positions which had to be filled. It was in a crisis state. Those positions have been filled.

Mr Whitecross, in relation to the first part of your supplementary question, the training is important because once people are trained we can evaluate how much the incidence increases in that area. That will enable us to come up with a figure in terms of putting in more resources. Progressively, over the four areas of Canberra, we will have an idea, once the training has been completed. People will know what is expected of them. We will be able to see whether there is an increase and what the increase is, which will enable us to assess the level of additional resources that may be needed.

### **Rape Crisis Centre**

**MS REILLY:** My question is to the Minister for Health and Community Care, Mrs Carnell. Minister, will you explain why the Rape Crisis Centre has been told to reduce the level of service that it provides to women in Canberra to such an extent that the after-hours service will have to effectively close? Will you tell this Assembly and every woman in Canberra why your Government is willing to discriminate against victims of sexual abuse in this way and leave them without support if they are unfortunate enough to be assaulted outside office hours?

**MRS CARNELL:** There is no intention whatsoever to close down the Rape Crisis Centre. In fact, I understand that the Rape Crisis Centre has been given \$40,000 per annum from July, the first triennial grant. That is on top of their normal operational funding which is in place as well. It would appear that the Rape Crisis Centre is being funded very adequately.

**Ms Follett:** I think they might have written to you.

**Ms Reilly:** That is not what they say.

**MR SPEAKER:** I call Mr Moore.

**MS REILLY:** I have a supplementary question, Mr Speaker.

**MR SPEAKER:** Order! In that case, you rise to your feet. I do not take it for granted that you are going to ask a supplementary question.

**MS REILLY:** I did move to. Unfortunately, I got caught in the crossfire.

**MR SPEAKER:** You should ignore those things because, as you know, interjections are out of order. Ask your supplementary question.

**MS REILLY:** As Ms Follett said, the Rape Crisis Centre has written to you about the funding. You used the tenth birthday of the Rape Crisis Centre as a photo opportunity. Are you now - - -

**MR SPEAKER:** Order! Are you asking whether she used it as a photo opportunity or not? If not, it is not a supplementary question.

**MS REILLY:** Are you now going to organise another photo opportunity so that the media can photograph you smiling and boasting about how you saved a few dollars in funding essential for the Rape Crisis Centre?

**MRS CARNELL:** I went to the tenth anniversary because they asked me. Mr Speaker, in 1995-96 the Canberra Rape Crisis Centre received, I think, \$39,555 for their after-hours service.

**Mr Stefaniak:** It is \$40,000 now.

**MRS CARNELL:** It is \$40,000 now. We have given them a grant of \$40,000 for this year, which seems to me, under the current economic circumstances, a pretty good deal, Mr Speaker. It is an increase in funding from last year. The Canberra Rape Crisis Centre will also receive \$177,516 in 1996-97 from the supported accommodation assistance program, SAAP. That is how they operate their 9.00 am to 5.00 pm service. So, for their 9.00 am to 5.00 pm service they get \$177,516; for their after-hours service this year they have an increase. Last year it was \$39,000; this year it is \$40,000, Mr Speaker.



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### **Legislative Assembly - Members' Staff Salary Allocations**

**MR MOORE:** Mr Speaker, my question is also to the Chief Minister and it refers to the report on a review of staff salary allocations to members of the ACT Legislative Assembly and so on. Could the Chief Minister advise the Assembly of the cost of that recent review of staff salary allocations? I draw your attention to page 56 of the report on the review. It is particularly interesting to note that Mr Prasad, who did the review, thought that Executive staffing should not be touched at all. I noticed, though, that in the report there are a number of staff members who were left out. I phoned your office earlier and I presume you have been advised that I was going to ask this question. I did not want to name any individual people. There is a person in your office and a receptionist in the offices of two other Ministers. Clearly, these people are doing work supporting the Minister. Why are they not considered as staff employed by Executive members?

**MRS CARNELL:** The cost of the Vishna Prasad report was \$29,500. Vishna Prasad was asked to review the staff employed under the LA(MS) Act, Mr Moore. That means the staff that are employed out of the Executive budget. All of the staff that are employed under the Executive budget are listed on page 56. All of the other staff involved are departmental officers.

**MR MOORE:** I have a supplementary question, Mr Speaker. Clearly, these particular people I referred to are administrative workers who are doing exactly the same job as people who work for the Leader of the Opposition, as people who work for the Speaker, and as people who work for each member in this chamber. Is it not, therefore, just a juggling act that you have done to save some \$100,000 from your Executive budget, making the Executive budget appear, as I recall, to be some \$795,000 for staffing as opposed to some \$900,000 for staffing?

**MRS CARNELL:** The staff member in my office that you are referring to actually worked for Ms Follett as well. She works for the Chief Minister's Department. At one stage I think she had an office over in the Chief Minister's Department. I determined that it was more efficient to have her in my office as the speechwriter.

**Mr Moore:** That is not the question.

**MRS CARNELL:** I am sorry; it is the question.

**Ms McRae:** No; the receptionist, he said.

**MRS CARNELL:** No, no; this is the person in my office. This person has worked for the Chief Minister's office. I suspect that she has worked for every Chief Minister since self-government, and in fact written every single departmental or organisational speech. The departmental officers do no political work whatsoever. They do not write political speeches; they do not do any of that sort of work at all. They do only the speeches and the work involved in ministerial tasks. Departmental liaison officers or departmental officers fit into those categories. The one that you are referring to is very much along those lines. In fact, in my office anyway, we have fewer departmental staff than was the case under the previous Government.

### Disability Services - Infection Control Procedures

**MS TUCKER:** My question is to Mrs Carnell as the Minister for Health and Community Care. Mrs Carnell, on Tuesday in question time, when I asked you why there was no infection control policy in place in Disability Services until August 1996, you said that the policy I was provided with in August was a revised policy, indicating that another policy was in place before August. You also said that ongoing information sessions are run to reinforce policies and that all new staff are provided with policy guidelines. This quite clearly indicated that an existing policy was in place. Yesterday I asked you to table the policy that was in place in Disability Services until August 1996. You said that you would table the current policy because it is the current policy that you are operating on. I am quite confused about what exactly the current policy is and, to my knowledge, you have not yet tabled any policy. In order to clarify this rather confusing situation, I am asking you again to table, firstly, the infection control policy that was in place until August 1996 and to which you referred in Tuesday's question time; secondly, the revision of this policy released in August 1996, entitled "Standard Operating Procedures, Infection Control and Infectious Diseases Exclusion and Inclusion Policy", which I understood had been withdrawn, but which you appear to regard as current; and, thirdly, any further revised infection control draft policy that I understand is currently in circulation for consultation with staff members. Could you, further, inform the Assembly which of these three policies is the current policy?

**MRS CARNELL:** Mr Speaker, an infection control policy for Intellectual Disability Services was originally developed and applied in the workplace by nursing staff and carers. It was included in the Bruce Hostel policy and procedures manual developed for the then intellectually handicapped section of the ACT Health Authority. That was before self-government, or I assume it was before self-government. This policy was revised during the period 1991 to 1993, obviously under the previous Government, and adapted to the changes in disability support, which was moved away from a clinical and nursing model to a community-based model. This included the ACT Government's OH and S policies for hepatitis B and HIV/AIDS in the workplace. A workplace file for each house was developed as part of the implementation program following the deinstitutionalisation of Bruce Hostel. It included workplace and specific emergency procedures, including precautionary measures. Following this, procedure manuals were developed and the contents revised according to policy revision protocols.

Infection control policy and procedures are currently held in the practice instruction manuals within each house and are readily accessed by staff. These manuals are updated as necessary. When these policies are issued staff are instructed to remove outdated policies. So, what is in the manual is what is current, Ms Tucker. More recently, the infection control policy has been under revision to comply with "Infection Control in the health care setting - Guidelines for the Prevention of Transmission of Infectious Diseases", as I said yesterday, an NHMRC and ANCA publication of April 1996. A draft was issued in August 1996. I understand, Ms Tucker, that a draft was provided to you as well. Through formal and informal training, existing policies are reinforced to keep staff informed and up to date. Over the past five years there has been

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ongoing training on universal precautions for infection control, particularly in relation to HIV/AIDS and hepatitis B. The program has always promoted essential precautionary measures. I will table, for Ms Tucker's interest, draft policies and policies from 1993, the revision after that, the policy up to August 1996, and the 26 August 1996 policy which is currently being circulated for input.

**MS TUCKER:** I have a supplementary question, Mr Speaker. Thank you, Mrs Carnell; I will look at those with interest. In regard to what you have just been stating, I would also like to have documentation on the program of communication, how it is worked within disability group houses, and how this has been communicated to staff; the actual processes, the frequency of updating and communication with staff houses. In other words, I would like to see documented very clearly how what you have just stated has occurred.

**MRS CARNELL:** I am very happy to provide a briefing to the member. As I just said, there are, I understand, from what I am told, practice instruction manuals in each house which have a lot of information in them and which are readily accessed by staff. The staff know they are there, and they know that the staff have the up-to-date manuals in these particular books. That would seem to me to be a very appropriate way to ensure that staff, who do come and go - there is a large number of casual staff in our disability houses - know that that is where the current infection control policy is placed. I think that is a very appropriate way to go.

### **Phillip and Stirling Colleges**

**MS McRAE:** Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. What decisions have been made about the future of Phillip and Stirling colleges, or what proposals have been canvassed, and who has been consulted in regard to the decisions, if they have been made, or the proposals?

**MR STEFANIAK:** I thank the member for the question, which I think is timely, as I saw a spread on the front page of the *Southside Chronicle* this week headed "Colleges canvass a merger". Mr Moore is reported as making a few comments, as are a number of other people. Mr Speaker, I would like to congratulate Stirling College, which this time last year had only about 325 students on its books and this year has about 390 or so. It has had an increase of over 60 students this year, so anyone who thought that that college was in grave danger of folding would be sadly mistaken. It has certainly kicked along nicely this year. Phillip College is a bigger college and it has over 600 students.

Yes, Mr Speaker, there has been talk within the college communities and within the college boards. I can appreciate that, because of the recent industrial trouble, boards have had some difficulty meeting, but that is over now. Over probably close to 12 months there has been discussion within the college communities in relation to what is the best course available in the future for both of those colleges. One of the propositions,

Ms McRae, as you should be aware, that is being canvassed, and was first mooted, to my knowledge, last year, is a joint campus. That is something that I understand both boards are looking at. The department also is looking at it. If both boards agree to that, they would assist as required.

**Mr Berry:** Are you going to ask the community? Ask the community, like you did the Charnwood community.

**MR STEFANIAK:** Why don't you shut up, Mr Berry? You might learn something.

**MR SPEAKER:** Order! Mr Stefaniak is answering Ms McRae's question.

**MR STEFANIAK:** Thank you, Mr Speaker. Obviously, that is one of the options, and that is one of the options which the college communities themselves are talking about. It has been raised by the college communities and they are considering it. I would reiterate, though, that the recent information I have in relation to both colleges is that both are very viable colleges. I would like, once again, to say congratulations to Stirling on a remarkable turnaround in terms of new students. Both colleges offer very viable programs and are an essential part of our education system, but they are currently looking at what would best serve those respective college communities.

**MS McRAE:** I have a supplementary question, Mr Speaker. Can you confirm that no decision has been made and that there will be no changes to Stirling or Phillip next year?

**MR STEFANIAK:** That is really entirely a matter for the two college communities, Ms McRae. That is very much a matter for the communities at both colleges and their boards. As far as I am concerned as Minister, I certainly have not made any decisions as to the future of those two colleges. I have fairly regular contact with the boards of those colleges. I have had several meetings over the past 12 months with members of the college boards. They keep me up to date in terms of what they are doing. It is very much a matter for the college communities themselves, and especially the boards, when they have further discussions, which I understand they are doing, in relation to the future of both of those colleges.

### **Police Commissioner**

**MR OSBORNE:** My question is to the Minister for Police, Mr Humphries. Minister, you will recall that in September last year the Legal Affairs Committee presented a report to this Assembly which recommended that the ACT Government consult with the Commonwealth Government to change legislation to provide for the statutory appointment of an ACT police commissioner by mid-1996. I am aware that there has been a change of government up on the hill. However, could you tell us what is holding up this piece of legislation and whether you have had any discussions with the Federal Attorney-General? When do you think the ACT will have a police commissioner accountable to the Assembly and to the ACT people?

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**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for that question. In answer to the first part, I am not entirely sure what is holding it up. Mr Osborne referred to that report by the Legal Affairs Committee of the Assembly last year which indicated clearly that the Territory ought to have arrangements to appoint its own commissioner of police or chief police officer for the Territory. Members will recall that the Government supported that recommendation. I believe it remains the best way of our being able to enhance the accountability of the Australian Federal Police who serve this Territory. I took up the matter with the former Federal Minister for Justice, Mr Kerr, who, it seemed to me, was quite supportive of the proposal. Since the change of government I have had a discussion with the new Attorney-General, Mr Williams, about the proposal. I have not had any indication of a commitment to the proposal.

**Mr Moore:** Oh, bloody Liberals!

**MR HUMPHRIES:** Not all Liberals are quite as accessible and easy to get an answer from as I am, Mr Moore. Mr Speaker, I have to say that I cannot answer Mr Osborne's question as to what the hold-up is. I understand from a contact made by my office in the last few days with Mr Williams's office that he is overseas at the moment, but a senior officer in his department has assured me that the matter will be brought to his attention as soon as he returns and a response will be sought. The ACT Government will remain on the doorstep of the Federal Government to provide an answer to us on this question. I believe it is important and it is an urgent issue. It is one that is thrown to greater urgency in some senses by the allegations that have been made about the Australian Federal Police in the last few weeks. I strongly believe a decision is required. We cannot legislate in the ACT for there to be an ACT commissioner until the Federal Government facilitates that. They have exclusive power over this area and we are required to get them to either regulate to allow us to do that or legislate for us to do that. I hope we get equipment to do that very soon.

### **Public Service - Job Cuts**

**MS FOLLETT:** Mr Speaker, I direct a question without notice to Mr De Domenico in his capacity as Minister for Business, Employment and Tourism. My question is this: Minister, can you confirm that approximately 60 jobs have been targeted to go from the business area of your portfolio at a time when your Government claims to be trying to do everything possible to support and encourage the business sector in the ACT?

**MR DE DOMENICO:** I thank Ms Follett for her question. Any deliberations by the Government about any jobs staying or going will be part of the budget considerations. In terms of the numbers, I cannot confirm, nor will I deny, any figures in relation to the budget.

### Yarralumla Nursery

**MS HORODNY:** My question is directed to the Minister for Urban Services in relation to his responsibility for the management of Yarralumla Nursery. As you would be aware, Minister, the Yarralumla Nursery has been propagating local trees and shrubs since 1911 for use in city parks and also for distribution or sale to residents, and it has been a key contributor to the creation of the garden city in which we live. It has been reported recently that nine of its 31 permanent staff have been offered voluntary redundancy, which will seriously cut back the ability of the nursery to propagate local plants. It was also reported that because of these cuts the nursery will now be able to achieve only 10 per cent of its 1995-96 production of local plants and that the rest of its nursery plant requirements will have to be purchased from interstate. Could the Minister therefore explain why, in this time of severe cuts to Public Service jobs in Canberra and the negative flow-on effects to the local economy, the Government is virtually exporting jobs interstate by stopping the local production of plants at the Yarralumla Nursery?

**MR DE DOMENICO:** I thank Ms Horodny for her question. The first thing I need to say to Ms Horodny is that she should not necessarily believe all she reads, or anything that she reads in newspapers, because from time to time newspapers happen to get things wrong. Specialist propagators at Yarralumla Nursery will produce 400,000 cuttings, 300,000 seedlings and 70,000 tube stocks this financial year, 1996-97. As a result of a review by Coopers and Lybrand, Ms Horodny, the nursery intends to improve efficiency by outsourcing 100,000 propagation tubes from local specialist propagators - under contract, might I say - at considerable savings to the nursery. Local nursery seeds and cuttings will continue to be sourced from selected local trees and shrubs which have been best adapted to Canberra's extreme climate.

**MS HORODNY:** I wish to ask a supplementary question. Other jobs at the Yarralumla Nursery that are under threat are those of Greening Australia, which has had free office accommodation at the nursery for the past seven years and now has to move out, again as part of the nursery's cost-cutting measures. What is the Minister doing to find Greening Australia free or low-cost alternative accommodation so that it is not forced to pay commercial rates which would force it to cut its staff funding as well?

**MR DE DOMENICO:** I will answer that by saying that every other community organisation - Red Cross, the Smith Family and any others that take on government space - is asked to pay \$95 per square metre or whatever the going rate is for community groups, so I cannot see why Greening Australia should be treated any differently, Ms Horodny. In direct answer to your question, we are looking at areas, for example, like the Cotter plots. We are looking at areas like those available at EPIC to make sure that Greening Australia has alternative sites if it wishes to remain in the ACT. We would be delighted to have them remain, by the way. It was seen that Yarralumla Nursery itself could better use the plots currently being used by Greening Australia. That is a decision that they have come to and made, and I agree with that decision. In fact, I am talking to the president of the local group of Greening Australia. I believe he is coming to see me this week or next week, and I will continue to have those discussions with him.

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### Elective Surgery Waiting Lists

**MR HIRD:** Mr Speaker, my question is to the Chief Minister, Mrs Carnell, in her capacity as Minister for Health and Community Care. Can the Minister inform the parliament as to what progress has been made by the Government in reducing our elective surgery waiting lists?

**MRS CARNELL:** Thank you very much, Mr Hird, for the question because it allows me, and hopefully this Assembly, and maybe, just maybe, even Mr Berry over there, a chance to thank a group of dedicated professionals who rarely, if ever, are recognised in our public hospital system. Earlier today I was out at the Canberra Hospital, where I met with staff of the surgical wards and theatres. I wanted to do that because they and their colleagues at Calvary Hospital have achieved over the past 18 months an absolutely remarkable feat, I believe, Mr Speaker.

**Mr Berry:** Did you buy them chocolates?

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Speaker, unfortunately, Mr Berry just cannot stand the truth. He just cannot stand the fact that he failed and we have not. That is really what it comes down to here, Mr Speaker.

**Mr Berry:** It works. Give them chocolates.

**MR SPEAKER:** Order, Mr Berry! Now that you are giving other people chocolates, I am cross because you did not give me one.

**MRS CARNELL:** Mr Speaker, when this Government came to office the waiting list for elective surgery in ACT public hospitals stood at 4,569. The list had actually increased by more than 2½ times over the previous four years - an enormous increase. When I became Health Minister there seemed to be no clear strategy whatsoever about how to manage this ever-increasing problem. Added to that, there was the problem of a shortage of trained operating theatre staff, particularly at what was then the Woden Valley Hospital.

Things have changed, and they are continuing to change. The Government took the bull by the horns, and I think it was about time that that happened. We introduced a waiting list management policy which, of course, Mr Berry bagged, and a strategy to attack the problem. We provided an additional \$2m to target long-term cases on the waiting list. Again, Mr Berry bagged it. The Department of Health conducted a recruiting campaign to boost the number of theatre staff available at the hospital, and, under the guidance of the Clinical School's Professor of Surgery, Don McLelland, both public hospitals got working - - -

**Mr Berry:** A \$22m overspend.

**MR SPEAKER:** Order! The Minister is answering the question.

**MRS CARNELL:** He just cannot stand the fact that we have succeeded where he failed, Mr Speaker. Both hospitals got working on improved theatre practice, management of lists and staff resourcing.

The result of all this has been quite remarkable. There are now clear policies in place so that all staff know exactly what is expected of them. We now have more theatre nurses, which has enabled us to open more operating suites. We are doing more surgery than ever before. In fact, there were 1,200 more operations over the last 12 months than in the previous year. Management is working with VMOs at both hospitals to better prioritise patients and minimise waiting times for more urgent categories. Most importantly, a real sense of teamwork has been built up among staff. Mr Berry, I am sure, would have been very pleased to see the level of teamwork at the hospital today.

Mr Speaker, at the end of July 1996, the waiting list had fallen to 3,625 - a reduction of 944 or 21 per cent since this Government came to office. It represents the lowest waiting list figure since November 1993 and it fulfils our election promise. Mr Speaker, it fulfils our election promise to reduce the list by 20 per cent in this term of office. We promised that. We promised, Mr Speaker, to reduce the waiting list in this term - that is, in three years - by 20 per cent or 900. Mr Speaker, that has been achieved inside 18 months. Certainly, there is still a long way to go before we are satisfied with the length and the management - - -

**Mr Berry:** Cardio-thoracic unit; 50 beds; a \$30m cut.

**MR SPEAKER:** Order!

**MRS CARNELL:** Mr Berry just cannot stand having failed. That is really what it comes down to, Mr Speaker.

**MR SPEAKER:** Order! Continue, and ignore the interjections.

**MRS CARNELL:** Mr Speaker, it is very hard to speak in this racket. Certainly, Mr Speaker, we have a long way to go before we can be satisfied with the length and the management of our waiting lists in Canberra, but this Government and the staff of Canberra and Calvary hospitals have taken some massive steps towards better and more responsive care for patients in this area. There will always be waits for surgery - sometimes long waiting periods - but the evidence is mounting that we are starting to get on top of the problem. I hope that other members of the Assembly will join with me in saying "Well done" to all the people who work in our wards and in our theatres.

Mr Speaker, earlier this week Mr Whitecross told the *Canberra Times* that this was the Government's worst ever week on record. As this is the week that we signed a partnership with Unisys leading to up to 1,000 job opportunities, and the week that we now have the lowest waiting list in almost three years, Mr Speaker, all I can say is that I hope we have more bad weeks.



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**MR HIRD:** I ask a supplementary question. Could the Minister further inform the parliament as to how these figures compare with the State of New South Wales? That is the first one. I am surprised that Mr Berry is handing out chocolates. He did yesterday and it was a laxette. That is what he gave to Mr Baker.

**MR SPEAKER:** Order! The second half of the question is not answerable.

**MRS CARNELL:** Yes. Mr Hird, last week the New South Wales Government released its latest waiting list figures. When the Carr Labor Government came to office waiting lists stood at 44,707. No-one will forget the promise to halve waiting lists inside 12 months, Mr Speaker. In January New South Wales announced that they had reduced their waiting lists to 19,000.

**Mr Berry:** Mr Speaker, I raise a point of order. I think it is a bit rich for members to be asking Ministers about the New South Wales Government. The Minister for Health is not responsible for what is going on in New South Wales. It is only about a matter which she is personally responsible for that a question can be raised.

**Mr Humphries:** Mr Speaker, speaking to that point of order: Members of the Opposition have asked questions throughout this week about the impact of a Federal budget. I think it is perfectly in order, since those questions were allowed, for Mr Hird's question to be allowed also.

**Mr Whitecross:** Mr Speaker, further to the point of order: Mr Humphries knows perfectly well that the questions we asked about the Federal budget related to the implications of the Federal budget for things for which the Ministers here are responsible. It is completely different.

**Mr De Domenico:** Further to that point of order, Mr Speaker: As Mr Whitecross would know, 30 per cent of the patients coming to Canberra hospitals come from New South Wales. Therefore, anything that happens - - -

**Mr Whitecross:** They are not in the New South Wales hospital system, then, are they?

**Mr De Domenico:** No; just sit down and listen before he takes over. Sit down and listen.

**MR SPEAKER:** Order! Settle down, everybody. Have a chocolate or something, like a cold shower.

**Mr De Domenico:** Mr Speaker, if Mr Whitecross had done his homework he would have realised that we are affected by what happens in the New South Wales health situation. If Mr Whitecross is not happy with the way his counterpart over there, Dr Refshauge, is doing things, that is his problem. I think the question Mr Hird asked referring to ACT Health is very relevant.

**Mr Berry:** Mr Speaker, I turn to the standing orders. They read as follows:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

Mr Speaker, at this point I would like to offer this box of chocolates, and I trust that it will help me in your consideration of that point of order. I regret, however, that it is past its use-by date.

**MR SPEAKER:** The same could be said for quite a few members. I might share it around.

**MRS CARNELL:** Mr Speaker, by quoting from the *Canberra Times* of 20 January I can show very clearly why this does have a lot to do with the ACT.

**MR SPEAKER:** I would ask you not to reflect on New South Wales, except in so far as it affects the ACT, Chief Minister.

**MRS CARNELL:** Mr Speaker, by quoting from the *Canberra Times* of 20 January I can show why this has real relevance, at least to those opposite. The quote is:

“The ACT Government should abandon its failed approach to slashing the elective surgery waiting lists in favour of the New South Wales strategy”, the Opposition said today.

That is those opposite. It continued:

“The Chief Minister and Health Minister, Kate Carnell should be in Sydney studying how the New South Wales Government was working to improve health instead of in Brazil looking at soccer grounds.”

Mr Speaker, it seems that those opposite thought that I should be in Sydney looking at waiting lists that are blowing through the ceiling, the closure of wards, and all the other things that are happening in New South Wales, rather than staying in the ACT with a waiting list policy that has achieved a reduction of 21 per cent in under 18 months, with 944 off the waiting list. It appears again that those opposite do not know what they are talking about.

**Mr Humphries:** I raise a point of order, Mr Speaker. I am a bit concerned about these chocolates, Mr Speaker. If they are indeed past their use-by date, should they not be given to Mr Whitecross?

**MR SPEAKER:** There is no point of order.

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**Mr Berry:** Mr Speaker, you will notice that those chocolates are French chocolates, but they were bought before the ban.

**MR SPEAKER:** But, Mr Berry, we have not yet lifted the ban in the Assembly, so they cannot possibly be eaten.

**Mr Berry:** Mr Speaker, you run the risk of me taking them back because they did not work. You did not fall into line, so we have at least proven that bribes do not work.

### **Evening Colleges**

**MR BERRY:** Mr Speaker, my question is to the Minister for Education, Mr Stefaniak. Minister, following the transfer of the evening college, the one that you got stuck into out in the suburbs, to the CIT, will you now admit that your decision to slash the subsidy to the evening colleges was a bad and ill-informed decision and was deliberately and maliciously designed to render them non-viable in their suburban locations, at great injury to those people who are using them out in the suburbs, particularly low-income earners and single parents?

**MR STEFANIAK:** My short answer to Mr Berry is: Do not be ridiculous. If you knew what happened with CITs and evening colleges throughout the country you would realise that in New South Wales, for example, all adult education in evening colleges is carried out by the institutes. Mr Berry, last year we attempted to put the evening college system in the colleges on a more financially secure basis and expand it from just the four colleges which have it and which are, indeed, out in the suburbs. For a low-income person it probably would be more trouble to get there if they had to get buses, even if they live in the same geographical area, than utilising one of the two TAFE colleges which will be providing the service next year. Unfortunately, the same four colleges only took up the evening colleges last year and the numbers were considerably down. Mr Berry, we honoured our commitment to low-income earners and ensured that they completed their courses and that they were heavily subsidised.

In relation to the CIT course, I am happy to indicate that the CIT will offer an intensive Year 12 evening program reflecting the current day program for mature students. This program is very successful because, out of the 144 Year 12 graduates from that college, 84 got university offers, 19 were ranked in the top 10 per cent in the ACT, and two were in the top one per cent. I think that speaks volumes for the quality of the CIT program. The 12 months course will provide students with an ACT Year 12 certificate issued by the Board of Senior Secondary Studies. CIT is expecting more enrolments than we saw last year in the four colleges that continued with the evening college program. A number of subjects will be offered, comparable with the range of courses currently offered by the evening colleges.

The Year 12 certificate evening courses will be offered at two campuses, Reid and Bruce. The cost to the students compares very favourably with the fees that are paid under the current evening college system. A typical student, studying over two semesters, will pay approximately \$600 a year, and the normal CIT concessions, which are very generous,

will apply - for example, the 50 per cent concession which applies to health care card holders, which, I think, Mr Speaker, amounts to a little bit less than the subsidised rate even for similar holders in the current system. I think that compares very favourably with the full cost of \$1,350 a year for the 1996 program in the government colleges.

As I have indicated, the CIT has extensive experience in the daytime colleges. Quite a number - a considerable number, I am advised - of the current teachers can be taken on as part-time staff to teach at the CIT, which I think they will find very attractive. I understand that quite a number are already going to do that. Mr Speaker, I think we will see a very effective program that will bring considerable benefits to students, especially cost benefits, and I think that, with the CIT concessions for low-income earners, that probably compares more than favourably with the current evening college system.

**MR BERRY:** Mr Speaker, I have a supplementary question. Does the Minister agree that this outrageous action will reduce access for people who live out in the suburbs, for example, in Tuggeranong and North Canberra? Does he not agree that there is a considerable reduction in access by amalgamating all these services into these two colleges? I am glad he is not running the bus services, if he cannot tell that they face longer journeys than before to get from Tuggeranong to Reid and Bruce.

**MR STEFANIAK:** I do not know whether Mr Berry was ever Minister for Urban Services. I readily admit that I am not, Mr Berry. I occasionally catch buses. I have taught at the CIT. In fact, I have had classes there and students in the night class took buses home. On occasions, when I lived at Flynn, I would take a couple home, rather than them taking the bus.

Let us take an example, Mr Berry. Say you lived in Banks. Correct me if I am wrong, Mr De Domenico, but I think he would need to go to the Hyperdome and change buses to go to Erindale College. He would need two bus services. Correct me if I am wrong again, Mr De Domenico, but I understand that there is a service direct from Tuggeranong to Civic. In that example of Tuggeranong that you gave, Mr Berry, you still have to take two buses. I think you might be barking up the wrong tree.

**Mrs Carnell:** I ask that all further questions be placed on the notice paper.

### **ACTION Bus Services**

**MR DE DOMENICO:** Mr Speaker, during question time yesterday Mr Osborne asked me about the cancellation of a school bus service, No. 610, to Gordon Primary School. I have been informed by ACTION that route 610 was cancelled due to low patronage. What Mr Osborne did not say was that there was an average of only 15 students catching that particular bus in the morning.

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**Ms McRae:** So they can walk, can they?

**MR DE DOMENICO:** I am glad Ms McRae interjects. If she sits down and listens she will get the full picture. Public bus route 104, however, covers a very similar route and leaves within five minutes of the old school bus. It has adequate capacity, obviously, to carry these students, and does so. The afternoon school bus will continue to operate.

### **PERSONAL EXPLANATION**

**MS TUCKER:** Mr Speaker, I seek leave to make a personal explanation under standing order 46.

**MR SPEAKER:** Yes; proceed.

**MS TUCKER:** I want to clarify something for Mrs Carnell. I think she misunderstood what I was asking for in my supplementary question. I do not want a briefing. What I want is documentation outlining - - -

**Mrs Carnell:** This is not a personal explanation, is it?

**MR SPEAKER:** That is not a personal explanation, Ms Tucker.

**MS TUCKER:** I was misunderstood. I do not want a briefing. I want written documentation.

**MR SPEAKER:** That is not a personal explanation. You are out of order.

### **PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS Papers and Ministerial Statement**

**MRS CARNELL** (Chief Minister): Mr Speaker, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of the contracts made with Linda Webb, Michael Ockwell, Tu Pham, Peter Hade, Mike Castles, Doris Zonta, Penny Gregory, Gordon Lee Coo, Fran Hinton as executive director, Peter Gordon, Allan Hird, Christine Healy, Michael White and Trevor Wheeler, and a temporary contract made with Vickie Busted. I ask for leave to make a very short statement.

Leave granted.

**MRS CARNELL:** The contracts are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts. You will recall that I previously tabled contracts on 18 April. Today, I present 15 contracts and one amended performance agreement. The performance agreement is the final version for the chief executive of Health and Community Care.

Previously, in April, when I tabled the contract, an interim performance agreement was attached. The contracts are for executive officers and include three from the Chief Minister's Department, one from the Audit Office, one from the Attorney-General's Department, three from the Department of Health and Community Care, and seven from the Department of Education and Training.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 7 of 1995 -**  
**Government Response**

**MR DE DOMENICO** (Minister for Urban Services) (3.21): For the information of members, I present the Government's response to Report No. 14 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 7, 1995 - ACTEW Benchmarked", and I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table the Government's response to the Public Accounts Committee recommendations on the ACTEW Benchmarked report. The original report by the Auditor-General consisted largely of a benchmarking study reviewing ACTEW's performance by comparison with comparable utilities from Australia, New Zealand, the UK and the United States. The audit revealed functions which ACTEW performs at an efficient level and also functions where ACTEW operated less efficiently in comparison to the other utilities included in the benchmarking sample. The Government considered that the report provided a useful, independent assessment of the efficiency of ACTEW's operations, based on 1993-94 figures.

The Public Accounts Committee, following a review of the report, recommended that the Government report to the Assembly in 12 months' time on the progress by ACTEW in achieving demonstrated operational efficiencies in each of its business units; and the role and actions taken by the independent pricing regulator in assisting the objective of increased operational efficiency for ACTEW. The Government supports the Public Accounts Committee recommendations on these matters, noting that ACTEW has already made significant progress towards improving its operational efficiencies.

It should be noted that, as part of creating a regime to improve efficiencies and accountability in each of ACTEW's business units, the Government has approved the establishment of a number of separate subsidiaries within the corporation. The Government is in the process of appointing an independent Water and Energy Charges Commissioner who, with the assistance of the New South Wales Independent Pricing and Regulatory Tribunal, will carry out a comprehensive review of ACTEW's prices. This independent review will involve the rigorous assessment of ACTEW's pricing policies and operational efficiencies. The review will consider such matters as protecting consumers from unfair prices and will look at the actual costs of providing different services and the need for greater efficiency in the supply of services.

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These issues, considered together, will not only assist the Government and the corporation in determining the necessary incentives to improve efficiencies but also provide added reassurance to consumers that they are getting services at the best possible price. Mr Speaker, this independent review, together with the accountability framework established under the Territory Owned Corporations Act 1990, will form the basis of the Government's report to the Assembly in 12 months' time.

Question resolved in the affirmative.

#### **STANDING ORDER 46**

**Ms Follett:** Mr Speaker, I want to take a point of order in relation to your ruling on Ms Tucker's personal explanation under standing order 46. I thought I heard you rule that that was not a personal explanation. I want to take issue with you or, rather, ask you to explain your reasons. As I understand standing order 46, a member must seek leave from the Chair, which Ms Tucker did and received, and the member may explain matters of a personal nature, although there is no question before the Assembly. On this occasion Ms Tucker, it seemed to me, was explaining very clearly that she believed she had been misunderstood, in that she had requested documents from the Chief Minister, not a briefing. The standing order goes on to say that such matters may not be debated. They were not debated. I put it to you, Mr Speaker, that that indeed does constitute a valid personal explanation under standing order 46.

**MR SPEAKER:** Ms Follett, I have no argument with your point that the matter was not being debated. However, I did not regard Ms Tucker's statement that she did not want a briefing, she wanted documentary evidence, necessarily as a personal explanation. I think the decision probably hangs on the word "personal". I do not see that it is a particularly difficult problem, though, and I am sure it can be sorted out with the Chief Minister. If she wants the information, she will, no doubt, obtain it in the manner in which she would like to receive it. But I did not believe, and I still do not believe, that it is a matter of a personal nature.

**Ms Tucker:** The personal explanation was that I, personally, had been misunderstood. I had asked for something specific and Mrs Carnell responded. It seemed that I had been misunderstood because she was offering me a briefing and I do not want a briefing. I have had many briefings.

**MR SPEAKER:** I am sure that we have established just what you want at the moment, Ms Tucker.

**Mrs Carnell:** Mr Speaker, I am very happy to respond in writing, if that is necessary. I just thought a briefing would be more useful than a response in writing. I am really quite calm about it.

**MR SPEAKER:** Thank you, Chief Minister. Is that satisfactory, Ms Tucker?

**Ms Tucker:** Thank you.

**Ms Follett:** Mr Speaker, again on the point of order: I think if you have a particular interpretation of what constitutes a matter of a personal nature, it might be a good idea to advise the Assembly of such definition in due course.

**MR SPEAKER:** I will examine the matter for you, Ms Follett.

### **STATE OF THE ENVIRONMENT REPORT 1995 Government Response**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (3.27): Mr Speaker, for the information of members, I present the Government's response to the 1995 State of the Environment Report, and I move:

That the Assembly takes note of the paper.

Late last year I had pleasure in tabling the 1995 ACT State of the Environment Report prepared by the Commissioner for the Environment, Dr Joe Baker. Dr Baker is currently required by the Commissioner for the Environment Act 1993 to prepare a state of the environment report each year. That is a matter I hope members of the Assembly will return to very soon. The Government has now considered the commissioner's recommendations and prepared a response. The response adds weight to the Government's commitment to ensure high-quality environmental management that is cost effective, protects our natural resources and our natural heritage, and continues to provide a clean and healthy environment in which to live. It also reflects the importance placed by the Government on identifying firm environmental objectives and creating an appropriate and integrated legislative framework to achieve them.

The National Capital Beyond 2000 plan, which has been designed to set out principles and broad policies to guide change in the ACT, will reflect these agreed environmental objectives. The plan will act as a whole-of-government overarching statement beneath which individual sector strategies can be developed and implemented. It is a far more effective approach than that of the previous Government. It had an affection for overarching statements that compartmentalised the various facets of government. The much heralded environment strategy, for example, acknowledged but made no attempt to integrate environmental issues with economic and regional development considerations.

The goals described in this Government's National Capital Beyond 2000 plan will be supported by integrated environment protection legislation. Development of that legislation is a priority for the Government, and I will be introducing a Bill to that effect in the current sittings. The integrated legislation will reform environmental management in the Territory and provide a much greater focus on the achievement of quality environmental outcomes. It will reduce red tape by encouraging industry to develop their



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own environmental management programs and best practice to ensure compliance with the law. It will also take account of cross-border issues. I might say that cross-border issues have to date been somewhat difficult to address in the State of the Environment Report. Many environmental issues cannot be confined to or effectively managed within artificially imposed political boundaries.

At the request of the regional leaders forum, the commissioner is currently developing the specifications for a south-east region state of the environment report. A regional report would facilitate a greater sharing of resources, enabling the pooling of expertise, and would reduce duplication. The ACT is contributing \$20,000 to the study, with a matching amount being contributed by the shires that surround us. The commissioner has been asked to report back to the next meeting of regional leaders on 14 November, and the Government will keep members of this place informed about progress with this initiative. Measures such as that are quite important when it comes to issues such as management of endangered species. I was asked earlier this week about the area of wet themeda at West Belconnen. Clearly, a better understanding of what habitats and pockets of a particular species are found in our surrounding region will greatly assist us in understanding how threatened or endangered a particular species or ecological environment might be.

Since I tabled the State of the Environment Report, the commissioner has undertaken a review of the Commissioner for the Environment Act. He has recommended to me that certain changes be made to the Act concerning the frequency, due date and scope of state of the environment reports. Briefly, he considers that a major report every year is not necessary from an ecological or environmental perspective. He has recommended to me that a report be required only every three years, with a due date for submission of the report of 31 March in the year prior to each ACT election, and I am supportive of this request. The commissioner has also suggested some changes to the scope of reporting to remove some perceived ambiguities and repetition. Subject to some minor amendments to his proposal to take account of the ACT's annual reporting obligations to the National Environment Protection Council, I am also supportive of these. Naturally, the Government will also need to consider the implications of any agreed outcomes from the regional state of the environment reporting project.

Mr Speaker, I have just tabled the Government's response to the 1995 State of the Environment Report. It is important to note that, in accordance with the Act, the report was prepared independently of direction or constraint by me as Minister, government departments or agencies. In the report, the commissioner makes 50 recommendations and subrecommendations concerning environmental management of the ACT, and all but six of these have been supported by the Government. The 50 recommendations are broadly grouped into five sectors relating to the various chapters of the report, namely, atmosphere, water, land, plants and animals, and the urban environment. Like the first State of the Environment Report, this second report focuses on Government activity at the expense of reporting on environmental trends.

A recurrent theme in the commissioner's recommendations is that the Government should be more active in developing environmental indicators to allow these trends to be measured. However, one of the difficulties for environmental managers is deciding which indicators are most cost effective and useful. The Government expects the commissioner to provide advice on such matters, and it will require it in future reports. The proposed move to a major triennial report should also assist the commissioner to analyse and present data to indicate environmental trends.

The commissioner has also used the report to address the issue of human population levels in the ACT. He has raised this matter under paragraph 19(2)(f) of the Act, which enables the report to include such matters as may be considered relevant by the commissioner. The Government agrees that population growth in Canberra and the surrounding region is a trend that must be carefully planned for. The draft ACT and subregion planning strategy aims to guide development and resource management within the ACT and subregion until the year 2021 and beyond. Future population growth is an explicit focus of that strategy. The interim economic development strategy released by the South-East Regional Development Council aims to provide an appropriate economic infrastructure for the region. Both documents have been released during the term of this Government.

Population growth is an issue of direct relevance to the development of the National Capital Beyond 2000 plan. The views of the commissioner were an important input to background material prepared for the information paper called *Facing our Future*, which was recently released by the Government for public comment. The objective of *Facing our Future* was to provide for the community a clear statement about where the ACT is presently and what the ACT will look and feel like as it grows towards a population of 500,000 towards the middle of next century. This information will assist the community in articulating its values and priorities in order that the Government can develop a range of possible future strategic growth options. The options will be quantified and evaluated and trade-offs identified. This will enable the community to assist the Government to choose a preferred growth option which has broad community support. This would then be the beginning of an ongoing process of planning and review, set within a long-term framework, very much along the lines suggested by the Commissioner for the Environment.

The achievement of high standards in environmental management requires, first, that the adverse effects of human activities be ameliorated. To do this effectively and efficiently requires a holistic approach involving stable, long-term plans and a partnership between the community, business and government. This response places a high priority on partnership and cooperation to get the job done. Partnerships with the community, with other governments, and with research and educational institutions are essential in that process. The Government's response to the State of the Environment Report, I believe, shows a degree of leadership and a spirit of cooperation with other governments, with business, and with the wider community which, I think, will represent a milestone for the ACT.

Debate (on motion by **Mr Whitecross**) adjourned.

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## LEAVE OF ABSENCE TO MEMBERS

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

That leave of absence be given to Mr Kaine and Mr Wood for today, 29 August 1996.

## LAND (PLANNING AND ENVIRONMENT) ACT LEASES

### Paper

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present the schedule of lease variations and betterment payments for the period 1 April 1996 to 30 June 1996, which includes, pursuant to the Land (Planning and Environment) Act 1991, the schedule of leases granted in the quarter ending June 1996. I note that that includes the schedule of betterment payments made, a practice that has begun under this Government, which I believe is appropriate to keep members fully informed of the pattern of betterment use.

## PAPERS

**MR HUMPHRIES** (Attorney-General): I present, pursuant to standing order 83A, an out-of-order petition lodged by Mrs Carnell from 169 residents concerning the restricted shopping hours.

I also present the National Road Trauma Advisory Council 1995-96 annual report. Limited copies of the report were made available, and these are in the chamber.

## GRANT CAMERON COMMUNITY CENTRE

### Ministerial Statement

**MR DE DOMENICO** (Minister for Urban Services): Mr Speaker, I ask for leave of the Assembly to make a statement on the Grant Cameron Community Centre.

Leave granted.

**MR DE DOMENICO:** I am pleased to take this opportunity today to inform members of the opening of the Grant Cameron Community Centre on 7 August this year. Thanks in no small measure to the inaction of other governments in previous times, the former Holder High School had been vacant since 1992. Last year this Government made the decision that the relocation of a number of community tenants from the Acton Peninsula would be an appropriate use of the building. This move not only provided the opportunity for community groups to have better located and designed facilities in a community setting, but also ensured continued community use of what was a valuable Territory asset sitting there idle.

A large part of the building has now been economically but appropriately refurbished as a community centre. Work on the building has included the modification of the old classrooms; the upgrading of all services; the installation of a lift to provide access for the disabled; the provision of common meeting and conference rooms; and a new security system for the safety of the tenants and security of the building. The result of this work has been a building which serves the needs of community groups and other tenants wonderfully. As part of the refurbishment, special attention has been given to preserving the heritage of the former school by retaining the murals painted by the students in the hallways of both ground and first floors.

All community tenants from Acton have now completed their move to Holder and the remaining space has been leased to other community groups, both local and national. Some of the tenants now to be located at the former school site include Meals on Wheels, Home Help Service, Diabetes Australia, Sudden Infant Death Association and the Royal Blind Society. I am sure members would agree that the presence of these and other similar groups at one site will provide a convenient health precinct for the area. It is also a reflection of this Government's commitment to providing community facilities at locations which are convenient and easily accessible. In addition to the health facilities now provided at the former school site, the gymnasium, which was not part of the refurbishment, has been leased and occupied by ACT Gymnastics since December 1995, providing yet another service to the community.

From the Government's point of view, the success of the refurbishment of Holder High was a reflection of the architects, the project managers and the builders themselves. I would like to take this opportunity to commend all those concerned for their dedication to the project and to the delivery of what is a fine community facility within budget and a particularly tight deadline.

In keeping with the new image and use of the building, it was decided to change its name. The building was renamed the Grant Cameron Community Centre, to commemorate a former student, Grant Cameron, who was tragically killed at the Duffy Primary School fete in November 1987. A memorial to Grant had previously been placed in an area of the former school that was not refurbished. With the consent of Grant's parents, Rod and Rita Cameron, that memorial has now been appropriately relocated to the front entrance of the building. An official opening and renaming ceremony for the building was held on 7 August 1996, with the relocated memorial being rededicated at the same ceremony. On a personal note, I found the level of community support and attendance at the opening particularly moving and a fitting tribute not just to Grant Cameron but also to his parents, Rod and Rita Cameron.

Mr Speaker, I am sure members would agree that the reuse of the former school for a wide variety of community-based services is a splendid example of the Government and the community working together to meet each other's needs. The tenants at the Grant Cameron Community Centre will provide a valuable service to those in need, and I believe that the ability of this Government to deliver, when those opposite sat on their hands and left the building vacant for years, should be recognised. The way in which the project has been managed and carried out is a credit to all parties concerned.

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I present the following paper:

Grant Cameron Community Centre - ministerial statement, 29 August 1996.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **TOURISM PROMOTION IN JAPAN Ministerial Statement**

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on achievements in the promotion of Canberra in Japan.

Leave granted.

**MR DE DOMENICO:** I am very pleased to present this ministerial statement to the Assembly today addressing the progress which has been made in marketing Canberra as a tourism destination in Japan. Mr Speaker, you may recall that the Chief Minister, on her return from Nara in November last year, reported to the Assembly on a number of outcomes which the visit to Japan achieved. At that time the Chief Minister indicated that there were several opportunities that should be pursued. One of these was the need to prioritise our tourism marketing strategy for Japan. Consequently, a series of meetings were held with Canberra Tourism to discuss ways of more effectively marketing Canberra in Japan and maximising access to our promotional material for tour operators, travel wholesalers, potential visitors and other interested parties. At that time, Canberra Tourism was developing its relationships with other agencies, such as Tourism New South Wales, to improve information distribution. The student educational market was also identified as an important potential audience for Canberra, given our national capital status, our local, national and environmental tourist attractions, and also our outstanding educational facilities and programs.

I am pleased to report to the Assembly that there have been a number of significant achievements made as a result of the visit, specifically in the field of promotion of Canberra as a tourism destination. Assembly members would have recently received a kit containing a collection of information, publications and newspaper articles that relate directly to the increased level of promotion in Japan. Canberra Tourism have been diligent in pursuing new opportunities and revisiting existing relationships in order to increase the national capital's profile in Japan. One of Canberra's major marketing tools is

the new Japanese language brochure, which has been widely distributed through Ansett, Qantas, Austrade, the Australian Tourist Commission, the Department of Foreign Affairs, and Tourism New South Wales. Most importantly, the brochure is now available in the Kansai region, thanks to the cooperative efforts of Canberra Tourism and the Nara City Tourist Association.

Prior to the Chief Minister's visit, coverage of Canberra in Qantas's publications and promotional video was inadequate, to say the least. Canberra Tourism has since undertaken considerable liaison and negotiation with Qantas, and I am pleased to inform members that Canberra now has a five-page feature in Qantas's *QJ* in-flight magazine, produced specifically for their Japan-Australia services. Previously, we had only one paragraph in the New South Wales section. Qantas's in-flight promotional video has been reworked, and Canberra now appears before both Sydney and Melbourne. The video also contains more pertinent information on attractions and activities on offer in the national capital. The *Secret Guide to Australia* brochure is a new initiative from Qantas and was created to appeal to the younger Japanese traveller. Canberra Tourism provided Qantas with a range of information for this brochure. Canberra was given listings in the dining and activities sections of this publication. Qantas officers in Japan are actively promoting a Floriade package tour and a Rice tour which includes a stopover in Canberra. Coupled with this are a number of incentive packages on offer through to March 1997, which include a special Sydney-Canberra-Melbourne stopover deal.

Other initiatives continue to build on the Canberra push into Japan. The national capital's own new promotional video was recently completed and has been sent to a range of tour wholesalers and tourism offices in Japan. Canberra Tourism's fortnightly international newsletter, *Capital Exposure*, is dispatched to key players in Japan, including airlines, Australian Tourist Commission offices, Austrade offices, the Australian Embassy and the Tourism New South Wales office. Negotiations are currently under way to merge Canberra Tourism's Japanese product manual with the Tourism New South Wales manual for 1997. This publication will be issued to outbound tour operators in Japan and to inbound Japanese tour operators in Australia. The merger will result in Canberra's publication being distributed throughout Tourism New South Wales's wide and established contacts in Japan and will therefore provide greater exposure for our product in the marketplace.

Formal discussions are currently taking place with the chief executive officer of Tourism New South Wales in regard to their Tokyo office officially representing Canberra Tourism. This will provide Canberra with established Japanese-based representation and allow quicker and easier access by Japanese tour operators and consumers to Canberra information. Another avenue that has been explored is a compilation of a comprehensive Canberra travel site, in Japanese, on the Internet. This exciting project is being developed in association with the NEC Corporation. NEC has chosen Canberra as its first Australian location to be included on the Internet, and this will firmly place us ahead of all other Australian States and Territories.

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Mr Speaker, in addition to the cooperative ventures with the private sector organisations listed, Canberra Tourism has instituted a number of successful programs which target the Japanese market and aid in the promotion of the national capital and our region. These include the hosting of nine Japanese journalists - predominantly business and travel writers - since last year. This has resulted in a Canberra feature appearing in the largest daily business newspaper in the world, the *Nihon Keizai Shimbun*. This newspaper is read by almost nine million people. Another journalist hosted to Canberra from *JP Australia*, a monthly Japanese tourism magazine, compiled a 10-page article on Canberra. This appeared in the June 1996 edition of the magazine and Canberra also featured on the cover of this issue.

Through participation at the recent Australian Tourism Exchange, Canberra Tourism's international sales manager met with 12 representatives from Japan. After the Australian Tourism Exchange, seven of Sydney's leading inbound Japanese operators were hosted on a comprehensive familiarisation of Canberra. Further follow-up was done, with sales calls being made to inbound Japanese operators in Queensland. In October, the preliminary work done at the Australian Tourism Exchange will be built upon as Canberra Tourism will join the Japan-Australia mission organised by the Australian Tourist Commission. The mission will travel to Tokyo, Osaka and Nagoya and meet with over 300 Japanese delegates representing 145 wholesale tour companies.

Notable progress has also been made in the promotion of Canberra to the specialised education segment of the Japanese market. There currently exists a wide range of linkages between Canberra and Japan, particularly concerning educational activities. The ACT Department of Education and Training and the Nara Board of Education have an active and successful teacher exchange program. There are already in place a number of sister-school relationships between kindergarten, infants, primary and secondary schools and colleges in Canberra and Nara. The ACT Department of Education and Training has also established well respected and highly successful short-, medium- and long-term study programs for students from Japan and other Asian countries.

To build on this potential market, the CIT, in conjunction with Canberra Tourism, has produced a study tours and specialised short course brochure detailing a range of courses designed specifically for the Asian market. To augment this publication, a series of suggested Canberra itineraries has also been prepared by Canberra Tourism for distribution with the CIT publication. Discussions are also currently under way between the ACT Department of Education and Canberra Tourism to examine ways of enhancing sister-school relationships between Canberra and Nara. Consultation and liaison work is also being done with the Japan Travel Bureau and Japanese inbound operator Kintetsu to further expand the Canberra schools exchange program.

It is evident, Mr Speaker, that the ACT Government's commitment to marketing Canberra as a tourism destination in Japan is moving forward strongly, with spectacular achievements as a result. Our sister-city relationship with Nara is vitally important, as it presents Canberra with a wider range of opportunities in the economic, educational, sporting and cultural fields. The Chief Minister's visit demonstrated that Canberra has

much to offer the Japanese visitor, and we are in an enviable position compared to other areas of Australia because of our relationship with Nara. In order for this to happen, Canberra must be visible in the Japanese tourism marketplace. I am pleased to report that, as a result of the Chief Minister's visit, this is happening at a far greater rate than at any other time since we entered our sister-city relationship. I present the following paper:

Tourism Promotion in Japan - ministerial statement, 29 August 1996.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **PUBLIC TRANSPORT STRATEGY** **Discussion of Matter of Public Importance**

**MR SPEAKER:** I have received a letter from Mr Moore proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The issue of a coordinated strategy in public transport for the ACT.

**MR MOORE (3.50):** I am very pleased to have this opportunity to speak on this issue. Prior to the election, the Liberal Party placed great store on their public transport policy, and we all got very excited. We were excited at the prospect of taxis and small and large buses providing a service for our community that would be cost effective as well as meet the needs of the population. Indeed, the Liberal Party stated in its policy that the wellbeing of every person in the ACT is greatly affected by the efficiency, flexibility and safety of the transport system. It is reminiscent somewhat of the more recent Federal election, where we had the Liberal Party talking about being a party for all Australians. There was talk of an individual passenger-responsive public transport system, and we also got excited about that idea. The current Government also promised to use minibuses and taxis to provide transport services on low patronage routes.

What have we seen? It seems to me that we have seen bus fares increase by something in the order of 60 per cent in less than 18 months, with the CPI at about 5 to 6 per cent. We have seen a reduction in service frequencies, in many areas up to 50 per cent, particularly with the release of the new *Bus Book* in May this year, I think it was. Many have complained of a reduction in the actual service and the deterioration of the quality of that service. Many buses have simply been cancelled without notice. We have received complaints about bus drivers driving right past students waiting on the side of the road to go to school. Not only have we received complaints in our office about such things, but there was also a series of letters to the editor about this very issue. What was ACTION's response on that? The bus was full and there was no other scheduled for that route, even though it was obviously warranted: Too bad, the bus is full, leave the kids there standing on the side of the road, five or six kilometres from their school.



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It would be easy to argue for the increase in fares if a better service was the result, but there is no indication that there is actually a better service. The Liberal policy did state that a Liberal government would improve services and increase flexibility to respond to the needs of passengers. In fact, Liberal Party policy guaranteed - yes, that was the word, "guaranteed" - that not only would there be no reduction in the level of services to Canberra commuters, but also the services would improve through greater innovation and the flexibility of operators to respond to changing demand. This Government has been in place for 18 months and we are still sitting around waiting for some of those things to occur.

What happened to this comprehensive public transport policy? The Minister actually had nice little pictures on it: "Safe, Reliable and Affordable". Do you remember the one with the aeroplane on the front? It said:

A key objective of the Canberra Liberals is therefore to ensure that passenger and freight services, whether public or private, both within the ACT and between the ACT and other centres, make the greatest contribution possible to the standard of living in the ACT.

It talked about "urging the Commonwealth and New South Wales governments to upgrade arterial roads linking the ACT with major centres, and offering to contribute part of the cost". I quote again from a page with a picture of a bus on the front:

Huge savings could be made with no reduction in the standard of service.

For example, according to the 1993 Travers Morgan study, ACTION could save \$38 million if it were run like an average private bus company, while still performing its community service obligations.

The Liberals wound up talking about a \$27m saving. One wonders about this comprehensive policy. A comprehensive policy is one that involves coordination - and that was the promise - coordination of buses and other forms of public transport, coordination of trains to Sydney and Melbourne. We know that still under consideration are issues of the VFT, the Maglev and the Tilt-train, and of course there is some coordination to be done there with other governments.

Then we have the international freight airport and the international airport. We have not heard quite how these are going to assist in improving the environment around Canberra, but we are sure that they are going to happen. There are many Canberrans who are reluctant about this; but, on the other hand, Goulburn, just down the road, 20 minutes by very fast train or Maglev, is crying out for an international airport, and with a reasonable perspective. Maybe that is the appropriate way to go. Improvement of all roads and cyclepaths and improved traffic management were also dealt with in the Liberal Party policy.

This is the promise that people heard, and there was a rather large swing to the Liberals on this sort of promise - on the promise of reasonable, coordinated management of transport. Instead, what we get is a series of Ministers, particularly the Chief Minister, announcing every three months or so, or less, "We are going to have an international freight airport; we are going to have an international airport; we are going to have a very fast train". And so the process goes on. I must tell you, Minister, that I have always thought the notion of an international airport in Canberra is absolute nonsense. There are environmental questions that I believe simply cannot be resolved, and the notion that any number of international flights would come into Canberra, rather than going to a major international airport like Sydney or Melbourne, is silly.

If you were to put up the idea that this would provide the second airport for Sydney instead of the proposal that is current, there may be some sense in entertaining it; but I believe that it is too far from Sydney. So the idea that we will ever have an international passenger airport is just nonsense. The only alternative is an international freight airport, and I have to say that establishing an international freight airport, on the current site of the ACT airport, leaves huge environmental questions to be answered. (*Quorum formed*)

What has happened to this comprehensive public transport policy? Do the Liberals even know what it means? What it involves is a coordinated approach to transport, and it is that coordinated approach to transport and traffic management that is missing. Mr Speaker, I know that just the other night you were at a meeting of the North Canberra Community Council, where the issue of traffic management throughout North Canberra, with particular reference to traffic from Belconnen to Gungahlin, was discussed, and it was discussed not just in the light of motor traffic and roads but also in the light of possible light rail. These issues should be seen in a coordinated way. Instead, we had one traffic engineer talking specifically about readjusting plans to suit short-term financial needs, instead of understanding a comprehensive picture of traffic management. I think that in itself is an appalling situation.

The other promise we had from the Liberals going into the last election had to do with the development of our main arterial roads, particularly the Federal Highway and the Kings Highway. There have been some improvements in these areas, and I understand that there is some work going ahead, particularly on the Federal Highway. With reference to the Federal Highway, I ask the Minister: Since you are also responsible for issues to do with employment and economic development, how many Canberra businesses are actually involved in that construction? I think you will find that it is pretty close to none and that these big construction jobs are invariably given to larger companies from outside Canberra.

The question is: Does the Government have anything resembling a comprehensive planned strategy for the development of all these facets of transport that integrate and will ensure that ordinary people have the advantages available from being mobile? Liberal Party policy states:

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A key objective of the Canberra Liberals is therefore to ensure that passenger and freight services, whether public or private, both within the ACT and between the ACT and other centres, make the greatest contribution possible to the standard of living in the ACT.

We presume that that is not just the standard of living of a few middle-class or upper-middle-class people, such as me, but also the standard of living of all people in the ACT. Can the Minister tell us where we are up to with the very slow development of the very fast train proposal? Are we tilting, are we Magleving, are we fast training? Is there a coordinated approach to link the rail system to Sydney and Melbourne with an international airport, perhaps at Goulburn, and what about our surrounding areas? What about the international freight airport? Have the sites for these airports been seriously looked at yet or not? Can the Minister inform us of his planning for the future development of the Kings Highway and the Federal Highway and what he is doing about those? Is the Government contemplating a Kennett tollway express response? Remember that Jeff Kennett promised that there would be alternative routes for people who do not use the tollway, but those alternative routes invariably wind up meaning that you have to drive all the way around the rest of Melbourne. What attempts have been made at arrangements with New South Wales to meet the costs of these roads?

Have we been offered a pup, Mr Speaker, on strategic issues associated with transport planning? How many times has this Assembly discussed the issue of a general strategic plan for Canberra, and in what way does it apply to transport planning? Are we going to listen to a cacophony of blunders? Are we just going to watch a series of band-aids and afterthoughts in planning? We have the opportunity to get it right from the beginning with a comprehensive transport policy for the next century, and that is what we ought to be doing.

**MR DE DOMENICO** (Minister for Urban Services) (4.06): Mr Speaker, I thank Mr Moore for raising this issue of a coordinated strategy in public transport for the ACT. What an important issue it is, and Mr Moore has shown that he is interested not only in areas the press tend to concentrate on, such as drug law reform and things like that, but also - - -

**Mr Moore:** Drugs, sex and death, Tony.

**MR DE DOMENICO:** Sex, rock'n'roll and whatever it is, but also on things like coordinated public transport in the ACT. Very shortly, I will outline to the Assembly the range of measures the Government is undertaking to develop and improve the efficiency of our public transport services. Firstly, however, I would like to remind members that Canberra's urban development and transport systems are largely a product of Commonwealth management of the Territory from Federation to self-government in 1989. The planning and development of modern Canberra has been based on the Y plan, which, as members know, was designed to cope with the rapid growth of the national capital. The concept was retained in both reviews of metropolitan Canberra: *Tomorrow's Canberra* - 1971 and the Metropolitan Policy Plan in 1984.

Since the implementation of the 1994 plan, the Territory has undergone a number of changes. However, there has been no review of the metropolitan structure, despite changes to population growth rates, the employment base, lifestyle, work patterns, community expectations and Commonwealth funding arrangements, and the introduction of self-government. In December 1995, the Chief Minister, in a joint statement with the then Federal Minister for Housing and Regional Development, Mr Howe, announced the metropolitan Canberra growth strategy review. The purpose of the review, known as National Capital Beyond 2000, is to provide a framework for urban planning, development and management. The outcome of the review will be a strategic plan which sets out principles and broad policies to guide change. It will reflect agreed economic, social, cultural and environmental objectives. It will be a springboard for future economic development and the implementation of detailed strategies on a range of matters such as public transport. The results of the review will be available by the end of September this year. Preliminary advice indicates that the community has identified public transport as an important issue.

Important as the review is, the Government has not been sitting on its hands awaiting the outcome. We have been able to make improvements on a range of fronts, including ACTION service standards, priority measures and productivity gains, the establishment of the Transport Reform Advisory Committee, parking, and an examination of personal public transport options. Let us look at ACTION buses. The Government has continued and accelerated the program of reform for Canberra's public transport service. External benchmarking studies conducted by the Commonwealth Grants Commission through the Steering Committee on Performance Monitoring of Government Trading Enterprises and by the industry through the Australian City Transit Association have all identified the need for ACTION to improve its productivity and efficiency and to reduce costs and improve revenue collections.

The Government has appointed an advisory board to guide ACTION through this reform process and to overview the introduction of a more commercial approach to operations. The board includes members from the local business sector as well as from the community. Enterprise bargaining processes have been successfully employed by ACTION to implement key improvements in labour productivity and work practices. I commend the work done by ACTION and by the Transport Workers Union in achieving that outcome. The introduction of part-time employment conditions and multiskilling of employees between workshops and driving and across other traditional employment boundaries has resulted in significant efficiency improvements and cost reductions.

ACTION has been set a savings target of \$12m over three years. Among other things, ACTION is looking at cost reductions across its complete operations, including overhead areas and in fleet investment and utilisation. Improvements in vehicle maintenance, scheduling and rostering practices have supported a fleet reduction that will allow the closure of one of our older bus depots, with a consequent saving in overhead costs in excess of \$700,000 per annum. That saving will be achieved without any impact on service delivery.

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The provision of public transport services to the community at appropriate standards in terms of route density, service frequency and reliability is also a key element of ACTION's reform agenda. Benchmarking studies have confirmed that excess resources have been employed in some areas and at some times, and this has limited the options for supporting growth in demand across the network. This is being effectively dealt with through network review initiatives, which are aligning service provision with demand and releasing resources for deployment in other areas. Bus services to Gungahlin, for example, were increased by around 40 per cent in May 1996 as an outcome of this process, and a further substantial upgrade is being planned for early 1997. The aim is to provide services ahead of growth in demand so that positive transport patterns develop within the area.

Additional commuter express services have been and will be introduced to respond to demand for those services. Extra capacity has been provided on the route 333 service, and increased frequencies now apply on some inner Canberra routes such as route 238. Improved connections have been provided to Canberra railway station. Network planning has been assisted by quality patronage data available from ACTION's automatic ticketing system. Throughout the process ACTION has aimed to maintain its high standards in service delivery. Its target of meeting at least 99.5 per cent of scheduled services and 100 per cent of school bus services has generally been satisfied in recent years, at the same time as reforms have been implemented. These target levels are higher than those applied by most other public transport providers. It is very easy for people to come into this place and criticise the one time a bus is late or does not turn up. It is a different thing to say, "Well done, ACTION buses, for turning up 99.9 per cent of the time".

Fares review has been an important issue as benchmarking has confirmed the low average fares and cost recovery levels. This has been addressed in recent fare reviews, but at the same time it has been possible to provide some real incentives for existing passengers to utilise the service and to attract new passengers. In the last fare review, for example, reduced fares were offered to school travellers and new low-priced tickets were introduced for shoppers to travel in off-peak periods and for families, allowing all-day travel at less than half the price of the equivalent single fares. The pensioner off-peak daily ticket introduced more than a year ago continues to be very popular with this target group.

To further improve the attractiveness of its services, ACTION is working with the traffic planners to introduce a number of bus priority measures. The dedicated bus lanes have successfully improved the speed of operation of key express services, and these are being complemented by work at key intersections, where even minor changes can improve bus performance. On the other hand, the opening up of the Athllon Drive bus lane, which was done within three months of the Government being elected, being an election promise, has pleased the people in that community, and with no detrimental effect on ACTION buses, as I understand it. The introduction of "B" signals, which give buses a head start on other traffic, is an example of these initiatives. Work has commenced on the introduction of transponder sensing equipment linked to traffic lights that will further improve operating speeds for buses.

ACTION is leading the industry in its work on access to the public transport network for the disabled and disadvantaged members of our community. ACTION's easy access buses are the first to provide front door access for wheelchair and other mobility impaired passengers. Work has also been undertaken in conjunction with the local Disability Advisory Committee on improvements to timetable information and bus interchange design. Bus timetables are now available on the Internet.

I would like to talk about the Transport Reform Advisory Committee. In August 1995, I established the Transport Reform Advisory Committee to assist the Government in making well-informed decisions on transport. I set the committee the task of considering the critical elements that will lead to the development of an efficient transport system for Canberra and the priorities for changes to the management of that system. The committee has met five times since August 1995. The committee's work is now clearly linked to that of the metropolitan Canberra growth strategy review, and the committee will operate within the context of that broader strategic planning framework.

Parking is a subject which makes some members of the community angry, others happy. Late in 1995, the Australian Bureau of Statistics carried out a survey for the Government on travel to work and educational institutions. The survey provided information on why people use public transport and the characteristics of car drivers. As similar surveys had been carried out in other capital cities, it was possible to identify the particular features of Canberra's transport system that favour or discourage public transport use. My department's analysis of the data indicated that Canberra's lack of congestion and plentiful supply of parking makes travel by private motor car even more preferred in Canberra than in other capital cities. Indeed, even though parking fees affect a higher proportion of commuters in Canberra than in Perth, 9 per cent of Perth commuters travel by public transport compared with Canberra's 7 per cent.

The survey results support the view that there is little to be gained from a severe regime of measures aimed at reducing the number of car trips to the city and other town centres while there is relatively little congestion and an oversupply of parking. Recent changes to parking fees have been designed to better utilise empty government car parks and reduce the level of overspill parking in suburbs surrounding the city. Parking fee increases have exerted minimal influence on bus patronage in a city designed and funded for a transport system based on private car travel.

Parking management will continue to be seen as an important element of the transport strategy and the achievement of a more sustainable transport pattern. However, the transport objective will be balanced with other goals, primarily the efficient use of land, the fostering of economic activity, the protection of residential amenity, and the generation of an adequate revenue base. The Government's more detailed response to this issue will depend in part on the outcomes of the metropolitan growth strategy review on how parking and other transport issues in the ACT should be addressed.

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Mr Moore also talked about personal public transport. I referred earlier to changes that have been occurring within Canberra since 1984. There appear to be a number of trends in Canberra's development, including changing work patterns, more flexibility in household formation, shopping, leisure and educational participation, which indicate a need for changes to the city's current transport networks.

One area that has the potential to accommodate these new travel demands more effectively is personal public transport. Personal public transport is a concept that involves utilising the latest transport and telecommunications technology to provide a wider range of demand-responsive public transport services that improve the total transport network. This involves new types of affordable on-demand multihire maxitaxis and taxibuses, the integration of on-demand and conventional public transport through advanced computer and communications systems, and the development of a network of electronic bus stops providing real-time information on the costs and journey times of different travel options. This type of initiative would enable existing and new transport providers to market public transport services that compete with the convenience of private cars by offering a higher standard of service and better rates of return on investment.

The 1995 report on the prefeasibility study of personal public transport for Canberra concluded that there was promising potential for PPT here in Canberra which could have social, environmental and transport efficiency benefits. This assessment was based on a number of factors, including the potential for linking PPT to other public transport initiatives, parking and other policies which might influence PPT viability and demographic characteristics. Total estimated capital costs for a system covering the whole of Canberra were estimated to be around \$82m. The Government recognised that this was a very substantial investment for a pioneer system and, clearly, other jurisdictions where this concept was being considered had similar concerns.

Nevertheless, the ACT appeared to be well placed to assist in the further development and implementation of personal public transport, with some of the basic components of a PPT system already developing in the Territory. For example, the experience and expertise gained from such initiatives as Austouch could be made available to assist with PPT prototype development. In addition, the sophisticated communications and technology base in the Territory and the general characteristics of a well-educated and affluent population, highly oriented towards technical change and development, were consistent with the personal public transport concept.

Over the past 18 months there have been national initiatives undertaken, including the development of a draft national personal public transport strategy. This proposed the development and field trialling of an integrated system prototype at several locations around the country. The ACT Government, in conjunction with the National Capital Authority, recognised that a Canberra field trial could both advance PPT development locally and substantially enhance the value and quality of a nationally consistent PPT system. Accordingly, a joint ACT Government-National Capital Authority proposal was submitted to the Federal Department of Housing and Regional Development in

February 1996. It was considered that a field trial in the ACT would enable comparisons of the feasibility of PPT in different operating conditions involving a spectrum of private, government and community beneficiaries within the same compact area. The selection of the ACT as a field trial site would also act as a catalyst to bring together transport and telecommunications providers in the Territory in a coordinated project.

However, recent administrative changes in the Federal Government saw the program move to the Department of Transport and Regional Development. The ACT Government is currently awaiting advice as to whether the Federal Government intends to continue the national PPT project. Whilst there has long been recognition of the importance of planning for an integrated public transport system, decisions on resource allocation to ensure efficient and equitable provision of public transport are again under the microscope, and we eagerly await the metropolitan Canberra growth strategy review considering these matters.

Mr Moore also talked about a very fast train link. He would know that the previous Government, as well as this Government, did put its money where its mouth was and put money into making feasibility studies available. We cannot be blamed for the lack of direction of New South Wales governments, both Liberal and current, in terms of their decision to continue with the Tilt-train concept, which is outdated technology. We are still in there punching, Mr Moore, making sure that the right sort of technology, such as the Maglev or the other proposal, goes ahead.

In terms of the airport, I was disappointed to hear that Mr Moore did not think there was any potential for making Canberra into an international airport. Mr Moore, I could not disagree with you more. In fact, this Government has commissioned a report on that issue by Air Vice-Marshal Jim Bomball.

**Mr Moore:** From somebody entirely unbiased.

**MR DE DOMENICO:** That report outlines the potential for employment, for a start, if that concept were to go ahead. But it is more complicated than that. First of all, we have to wait and see what the Federal Government is going to do about its Federal airports sale plan and whether it wants to sell Canberra Airport. Is there a consortium here, which is the preference of the Government for owning our own airport? Is there then a potential to turn it into an international airport? Like you, Mr Moore, I believe that, if that is going to happen in the ACT, it has to be as Sydney's second airport, preferably linked with the very fast train system. In terms of air freight, I do not think air freight can stand alone; I agree with you. I think we need passengers as well as freight.

Mr Moore talked about the maintenance of roads and cyclepaths. He would also know that we have around 5,460 kilometres - please do not quote me on the exact figures - of roads to maintain.



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**Mr Whitecross:** Minister misleads parliament.

**MR DE DOMENICO:** Mr Whitecross interjects, "The Minister for Squiggles". Yes, Mr Whitecross, the squiggles are an important element of road maintenance, which we will continue to use, by the way, because all engineering advice available suggests - - -

**Mr Whitecross:** Mrs Carnell is out of the room. Wait until she comes back.

**MR DE DOMENICO:** When Mrs Carnell reads the report of the experts in this area, she will realise that, with a few modifications, Mr Whitecross, the squiggles are the things that will continue.

**Mr Whitecross:** You are very courageous to anticipate her opinion on this, Mr De Domenico.

**MR DE DOMENICO:** There is one thing I cannot be accused of and that is not being courageous. For Mr Whitecross's edification, because he continues to interject, Mr Speaker, squiggles do not cause potholes. Mr Whitecross might think they do, but squiggles, Mr Whitecross, do not cause potholes.

**MS TUCKER (4.23):** Probably a lot of employment would come out of an international airport, but I think it would be more to do with noise-proofing lots of houses and legal fees. It is quite obvious that there is no assurance that the noise will not be a major issue. I am delighted to speak on this matter of public importance, and I am glad Mr Moore has raised it, because it is a very important issue. I would suggest that the focus could have been widened. Public transport is a necessary part of our transport infrastructure; but it cannot be viewed in isolation, and I noticed that in his speech it was not. I, therefore, want to address this MPI in terms of the need for a coordinated transport strategy for the ACT, of which public transport is a major component.

Public transport in the ACT will always be struggling to gain patronage and to be economically viable while there is so much emphasis put by government on providing for private motor cars. The postwar planning of Canberra was based around the assumption that the motor car would provide the major transport needs of this city. As a result, the city was actually encouraged to sprawl out into separate towns and low-density suburbs, with freeways and major arterial roads providing the links between the town centres. While the original plans for Canberra also provided for an intertown public transport corridor, which is still shown in the Territory Plan, this has not been developed to any great extent. As a result, only about 5 per cent of total passenger kilometres travelled in the ACT is by public transport. The figures are higher for the journey to work, with about 13 per cent of people using public transport to get to work. These figures are far too low.

The promotion of public transport has many environmental and social advantages which are not adequately recognised by this Government. I would like to point out the social advantages. As someone who has caught buses throughout the winter, the social implications have become very clear to me at first-hand, particularly in the evenings. If I do not leave this place by 6 o'clock, I have to wait for 40 minutes for my next bus.

I am fortunate because my bus stop is at the end of two routes, so I have a choice of two buses. If I were further into my suburb I would have to wait for an hour after 6 o'clock. It would be very interesting for you to sit there for 40 minutes or an hour, as I have, because you would see who are the people who are waiting there in the cold and the dark. They are parents; they are women with children, often small children. I do not know why; I suggest that they are probably working a little bit late and they have to pick the child up from child care. Tantrums occur regularly because, as you are probably well aware, small children at 6 o'clock at night need to be home. There are tantrums on the buses as well. Poor people are waiting there, and students. I do not see many people in suits; sometimes you see people who are obviously reasonably well off. The majority of people who are forced to use our public transport system - - -

**Mr De Domenico:** How can you tell by looking at people whether they are well off or not? That is an incredible statement.

**MS TUCKER:** If you were sitting there I think it would be quite obvious. People do not choose very often to sit for an hour after 6 o'clock in the cold and dark. I choose to do it because I have such a commitment to public transport. Not many other people do, Mr De Domenico. They drive their cars because they do not want to sit in the cold and the dark for an hour at the end of their working day. It is the poor and disadvantaged people who are copping a public transport system that is not up to scratch by any means. No wonder people who have a choice normally choose not to use public transport.

Public transport is more fuel efficient and takes up less road space. A bus with as few as seven passengers is more fuel efficient than the average commuting car. Thirty people riding on one bus is equivalent to 25 cars, on current private vehicle occupancy rates. Public transport is indispensable for those many people in the community who do not have access to a car or who cannot drive. Nationally, a large percentage of all public transport users are senior citizens, and this can be expected to increase in the future with the ageing of the population. Low-income people who may not be able to afford a car also often rely on public transport. Schoolchildren are also major users of public transport, with about 20 per cent of public transport nationally being to and from schools.

Public transport provides a public service to the community. It cannot be regarded simply as a business that must pay its way. Cities could not function without a transport system, so access to affordable and convenient transport should be regarded as a right of citizens. Users of public transport should actually be congratulated by the Government rather than penalised by increasing bus fares. People who use public transport instead of private cars have prevented millions of tonnes of pollutants and greenhouse gases from being emitted into the atmosphere. They have saved millions of litres of petrol, conserving a non-renewable resource and reducing petroleum imports. They have also delayed the need to build many more freeways, arterial roads and parking spaces to accommodate more cars.

In the ACT we have seen a steady decline in the standard of public transport. Prices have increased and services have been cut. The 99.9 per cent, or whatever the percentage is that Mr De Domenico keeps quoting, in reality is a lot of services. Particularly if you are regularly dependent on the bus services, the number of services that do not turn up is significant and extremely inconvenient. On the other hand, car parking charges have been

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reduced in parts of Civic. Workers in the Parliamentary Triangle and in Belconnen do not even pay any parking charges. The growing number of residents in Gungahlin have few direct services to the other towns. The overall trend is to make the ACT even more dependent on private cars.

What can be done about it? A coordinated transport strategy should have the objective of providing transport facilities which are affordable, safe and convenient but which, equally, minimise environmental impacts and impacts on neighbourhoods and are socially equitable. As I said earlier, this is not just about promoting ACTION, although this is important. We need to go back to the basic factors that influence transport choice. The transport strategy must, firstly, be integrated with the planning of the city. Decentralised development in which employment and retail centres are developed in close proximity to residential areas reduces commuting distances and allows greater use to be made of non-motorised transport, such as bicycles and walking. Housing should also be clustered around these centres rather than evenly distributed, so that more people have easy access to these centres. While Canberra's plan has some significant features in this direction, it has been corrupted in a number of ways. For example, the high employment growth of Civic and the Parliamentary Triangle relative to the town centres has generated significantly high levels of traffic flow through Central Canberra.

Looking at transport directly, the Government needs to implement measures that make public transport use more attractive and discourage car use. It needs to take action to manage transport demand, rather than just assuming that we can find ways of coping with increasing levels of traffic by building more roads. Apart from restoring those bus services that have been cut in recent years, the Government needs to take a more lateral approach to meeting people's transport needs. The feasibility of introducing flexible minibuss services, or personal public transport, as they are sometimes called, needs to be explored, plus car pooling systems. Bus priority lanes need to be expanded; if buses are going to get caught up in traffic jams, it is essential that they are given their own lanes. Park-and-ride and cycle-and-ride facilities also need to be expanded so that commuters can make the most efficient use of combined transport modes.

One measure that should not be undertaken, however, is the privatisation of ACTION. This will not improve anything. Experience elsewhere indicates that only the profitable routes are maintained and the less profitable routes are cut. As I said earlier, public transport is a public service, not a business. Cycling facilities also need to be improved, for example, through the provision of better on-road cycling and the fixing of some missing links in the cyclepath network. The biggest issue, however, is that car use must be discouraged relative to public transport, otherwise our bus services will always be running at a disadvantage. People need to be made fully aware that the use of cars imposes considerable costs on the community as a whole, through increased pollution, traffic noise and congestion, and the loss of urban space to roads and car parks that are over and above their personal costs of running a vehicle.

There obviously needs to be a thorough review of car parking. Traffic calming measures in the suburbs are also essential to channel cars onto the major roads. A small environmental levy on petrol could also be considered as part of the application of the polluter-pays principle, which could be used to help fund improvements to the public

transport system. Another measure that has been raised in various forums is to replace motor vehicle registration charges with an increased fuel tax on a revenue-neutral basis. This change reflects the view that it is not the car itself that causes environmental problems; it is how often it is used. There may be equity issues involved in such a change, but I am sure that this aspect can be taken into account as part of the broader transport strategy.

In conclusion, let me say that Canberra is at a crossroads. Over the next few years this Assembly will be confronted with major decisions about new roads in Canberra - there are the roads in North Canberra such as John Dedman Parkway, and so on. We believe that much of the money that will be spent on roads would be far better spent on developing alternative approaches to managing travel demand and promoting public transport, rather than just perpetuating the car dependency of Canberra.

**MR WHITECROSS** (Leader of the Opposition) (4.33): Mr Speaker, I begin my remarks by reflecting on Mr De Domenico's job on maintaining the roads. I was interested to hear Mr De Domenico say that he was certain Mrs Carnell was going to allow him to continue to use the squiggles, once she had seen the report. I have a great deal of admiration for his confidence in his ability to predict what Mrs Carnell will do. I have great admiration for his confidence in his ability to pick Mrs Carnell's mood on these matters. He could not pick Mrs Carnell's mood the other day when he went on the radio and defended them and half an hour later Mrs Carnell pulled them. I am not entirely confident in Mr De Domenico's ability to predict Mrs Carnell on this.

This matter of public importance is about the issue of a coordinated strategy for public transport for the Australian Capital Territory. Mr Speaker, one thing you could not accuse the current Government of is a coordinated strategy. There are a couple of peripheral issues to the public transport strategy for the ACT which were mentioned and which I wanted to touch on in passing. One was the fast train. As the Minister said, that matter has been supported by all parties in the Assembly, and I think it is an issue we want to see progressed. Perhaps he was being a little unkind in suggesting that the New South Wales Government is committed to the Tilt-train, but certainly they have not ruled it out in the way we have been inclined to do. It is an issue we will have to continue to pursue. It is a very important issue for our future and it is a good way of providing faster and more accessible transport in the Sydney-Canberra corridor.

Similarly, I have to say that I would be ecstatic if we got an international airport in the ACT. I share some of Mr Moore's scepticism about how serious people are about it. A cynic might suggest that a government intent on selling the airport would like people to think it could be an international airport and that that might help the price. The real issue in testing the viability of the airport - as I said, I would be ecstatic if it were viable and if it did come about - is the ability to get people to land in Canberra. That is a task that is easier said than done. Tourists like landing in Sydney or Brisbane because that is where tourists go. They are not so keen to land in Canberra. A big cultural change is necessary to persuade people to land in Canberra, and that makes it a very risky undertaking for whoever owns the airport.

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Turning to the issue of local public transport, you could hardly accuse the Government of having an integrated approach to public transport in Canberra. Last year, the Government raised fares in the public transport system by about 27 per cent for adults.

**Mr De Domenico:** Some fares.

**MR WHITECROSS:** Adult fares.

**Mr De Domenico:** Some fares; you said "all fares". That is not right. Some fares.

**MR WHITECROSS:** Adult fares were raised by 27 per cent; some by 30 per cent, Mr De Domenico.

**Mr De Domenico:** We reduced some as well.

**MR WHITECROSS:** Not last year. At the same time, they put up the parking fees for cars. Their argument was, "We have to put up the parking fees for cars so that people do not all start driving their cars but continue to catch the bus - hopefully, catch even more buses". That was their argument at the time. But this year they put up the adult fares by another 21 per cent.

**Mr De Domenico:** Some adult fares.

**MR WHITECROSS:** Most adult fares by 21 per cent. I should digress at this point to say that Mrs Carnell does not concede that they put up the fares. All the people who get on the bus with their Fare Go tickets would say that fares have gone up, but Mrs Carnell does not think fares have gone up. She thinks they have reduced the discount. This is just her latest example of doublespeak. But I digress. This year they put the fares up by another 21 per cent, and what did they do to parking fees? They cut them; they reduced the parking fees. Last year they said, "We are putting the fares up, but we are going to put the parking fees up as well so that people do not stop using the buses". This year they put the bus fares up again and they cut the parking fees back to the levels they were before. Figure that for logic, Mr Speaker. That is not what I would call a coordinated strategy for encouraging people to use buses.

In the meantime, in between hiking the bus fares by 50 per cent in the time they have been in government, they have also managed to cut back on the services. They reduced the services at the beginning of this year and they have planned another hefty reduction in services for next year.

**Mr De Domenico:** That is not true either.

**MR WHITECROSS:** It is true; and this at a time when Mr De Domenico claims to be interested in cutting people out of buses. Mr De Domenico might think he has a coordinated strategy on public transport, but in fact the bus routes he cut out at the beginning of this year cut out 20,000 passenger journeys.

**Mr De Domenico:** They are journeys. How many passengers, Mr Whitecross?

**MR WHITECROSS:** That is 20,000 fewer people sitting on a bus in a week, through his cuts to the public transport system. That does not sound like a coordinated strategy for encouraging the use of public transport. It might be a coordinated strategy for reducing the use of public transport.

As Ms Tucker said, what we need is strategies that are going to encourage people to get on the buses and to use them. A key to making our overall transport system in the ACT more effective is to get more people on the buses, not fewer, and you do not get more people on the buses by cutting the number of routes by 10 per cent and increasing the fares by 50 per cent. One way you could make some progress towards making the buses more attractive is to listen to what the customers say. ACTION's own customer surveys show that what customers want is more frequent services. What has Mr De Domenico delivered to them? Less frequent services. There is a way forward on this, which is to do what the customers want; and there is the way Mr De Domenico has gone, which is not what the customers want.

There are perhaps some hidden benefits in Mr De Domenico's new bus system, which have been brought to my attention by one of my constituents. I am sorry that Mr Stefaniak is not here because, as Minister for Education, he might appreciate how Mr De Domenico's public transport strategy coordinates with the education strategy. My constituent writes:

The times between bus runs is causing a revolution in literacy rates. You see one has to wait an hour between suburban buses with the new timetable and one is obliged to entertain oneself somehow, so thousands upon thousands of people are opening books, magazines and newspapers as they never have before.

Hourly buses are very inconvenient to people. Usually my business can be completed according to the old timetable, ie every half hour. But when my business takes an hour, I am then obliged to wait half an hour or take an alternative route home and walk the rest of the way. Frequently I am "wasting time" by reading myself into some entertainment because I am inconvenienced by the bus timetables.

There is only one way I have been able to identify any coordination or integration in Mr De Domenico's approach to public transport in the ACT, as highlighted by my constituent, and that is in encouraging people to spend more time reading while they are waiting for their buses and having more time to do that reading because of Mr De Domenico's new bus routes.

Public transport is an important issue. It is integral to the planning of Canberra. If I have one disagreement with Ms Tucker, it is that I do not believe that public transport is an afterthought in Canberra. I think public transport is integral to the planning of Canberra. It is important to the successful operation of this city that there be a healthy public transport system which is well used. I urge the Government to think again about a more coordinated strategy for public transport.

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

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**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)  
(ENFORCEMENT) (AMENDMENT) BILL 1996**

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR WHITECROSS** (Leader of the Opposition) (4.45): Mr Speaker, I rise to indicate that the Opposition will be supporting this legislation.

Debate (on motion by **Mr Moore**) adjourned.

**ESTIMATES 1996-97 - SELECT COMMITTEE  
Membership**

**MR SPEAKER**: I have been notified in writing of the nominations of Mr Hird, Mr Kaine, Ms McRae, Mr Moore, Ms Tucker and Mr Wood to be members of the Estimates Committee.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 1996-97.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Truck Parking - Residential Areas**

**MR DE DOMENICO** (Minister for Urban Services) (4.46): Mr Speaker, I would like to draw to the attention of the house a couple of press releases that were put out by Ms Horodny in recent times. The first one said, "Greens do Government's job to control truck parking in the suburbs". One of the lines was:

In May the Government announced some rules on the parking of trucks in residential streets which were so weak that they were criticised by everyone except truck drivers.

That led to the noise pollution amendments yesterday. The second one this morning said, "De Domenico red in the face over trucks". I am concerned at the press releases put out yesterday by Ms Horodny that accuse me of scaremongering and being dishonest in response to the Greens' amendments to the Noise Control Act. Members will recall that yesterday Ms Horodny introduced a private members Bill designed to eradicate trucks from Canberra suburbs. The Noise Control (Amendment) Bill, Ms Horodny informed us, was a response to the Government's inadequate rules relating to truck parking. The rules, she claims, have been agreed to only by truck owners.

Let us ignore for the moment the fact that those rules were developed and agreed to by a working party comprising a range of stakeholders, unions and community representatives. Let us also ignore the fact that these rules seem to have a high level of support in the Assembly. Let us focus on what the Greens propose, because I think it is important. There seems to be some dispute over what the Noise Control (Amendment) Bill, as introduced by Ms Horodny yesterday, actually does. Let me quote from her press release:

Our bill will only affect loud trucks idling for long periods on private land between 10pm and 7am. It does not have any effect on vehicles on public streets. All we are doing is fixing an anomaly in the Noise Control Act in that it covers lawnmowers, music, generators etc but does not cover motor vehicles entering or leaving premises or generating noise on the premises.

Mr Speaker, the Government sought some initial advice on the Bill from the environment regulation and roads and transportation areas of the Department of Urban Services. Let me briefly read to members some of what they - the experts - say about the Greens' proposal:

If allowed to go ahead, the proposed Bill will capture all motor vehicles, and subject to their place of use, all vehicles could be subject to a noise limit of 5 dB(A) above background noise levels between 10 pm and 7 am. This would include ordinary cars entering their owner's garage.

In other words, starting the family Magna wagon in the morning would potentially put you in breach of the law, Mr Speaker. I quote again:

Clause 4(a) has the effect of capturing all motor vehicles, including those used for works of public safety and essential services. In effect, our power and water supplies could not be restored when damaged at night, fires could not be controlled using motor vehicles etc, if the noise of these vehicles exceeds the proposed standards. This would be against the public interest and may endanger lives.



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These are not my words, Mr Speaker; these are the words of the experts. There is another problem. Paragraph 4(b) of Ms Horodny's Bill has the effect of considering motor vehicle noise to be noise emitted from a premise. This does not address truck noise where a truck is parked on the street. So, Mr Speaker, all the Greens' proposal does is move the problem onto Canberra streets.

Two additional legal problems have been identified in the preliminary assessment of the Bill. Again I quote from the experts:

Federal legislation sets down design standards for motor vehicles, including noise emissions. The Federal Motor Vehicle Standards Act 1989 specifically precludes the ACT or any other jurisdiction having a requirement more stringent than that Act.

It goes on and on; but I am running out of time, Mr Speaker. What I need to say is this: Before Ms Horodny comes into this place and makes public statements about how good she is, how bad everybody else is, and how the Greens have this incredible capacity to tell us what we all do not know, including the experts, let her do her homework first. Let her come to me and ask me for some advice. If she does not want to come to me, let her go to the experts to ask for advice; but how dare she come into this place, how dare she go public and say that the only people that are doing anything about this are the Greens. That is not so.

The proposal that this Government will put forward to this Assembly has taken a year of consultation with the experts. It will be up to this Assembly, of course, to accept or reject those proposals; but Ms Horodny should tell the truth, and the whole truth, in press releases and in other places, instead of saying, for example, that the proposals are so weak that they were criticised by everybody except truck drivers. I do not consider Mr Bob Sutherland from the Weston Creek Community Council, people from the Transport Workers Union and people from the community all to be truck drivers. So, with respect, what Ms Horodny should do before she comes into this place and makes such statements is to ask the experts what exactly has gone on. She should be very careful also when she does present Bills in this place.

**MR SPEAKER:** Order! The member's time has expired. I would remind members that standing order 59 states that a member may not anticipate the discussion of any subject which appears on the notice paper.

### **Standing Order 59**

**MR MOORE** (4.52): Mr Speaker, I believe that Mr De Domenico did indeed anticipate the discussion of a subject on the notice paper, and it was interesting that Ms Horodny was not here to draw your attention to it. I appreciate the fact that you have raised that in relation to the standing orders; but it is important, I suppose, for all of us to recognise when a member is anticipating a discussion in accordance with standing orders and ensure that we continue to operate under standing orders. I am sure that Mr De Domenico is feeling very contrite about this matter.

**MR SPEAKER:** I also think that Mr De Domenico was reading largely from a media release put out by Ms Horodny. The question of whether, in reading from a media release, one is, in fact, anticipating discussion is a matter that I would have to consider.

### **Standing Order 59**

**MR HUMPHRIES** (Attorney-General) (4.53), in reply: Mr Speaker, I might just contribute briefly to the debate on the standing order by pointing out that the qualification actually says:

Provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

The Bill introduced yesterday is unlikely to be debated before the end of next month, at the earliest. So, it is a quite long time.

**MR SPEAKER:** I would agree, Mr Humphries.

Question resolved in the affirmative.

**Assembly adjourned at 4.55 pm until Tuesday, 3 September 1996, at 10.30 am**

*29 August 1996*

**ANSWERS TO QUESTIONS**

**ATTORNEY-GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 248**

**Aboriginal Deaths in Custody**

**Ms Horodny - Asked the Attorney-General** - In relation to the Royal Commission into Aboriginal Deaths in Custody completed in 1991 - can you

- (a) identify those recommendations that you believe to be relevant to the ACT; and
- (b) advise on the current status of implementation of those recommendations.

**Mr Humphries - The answer to the Member's question to the Attorney-General is as follows:**

The ACT reports annually on all 333 recommendations of the Royal Commission into Aboriginal Deaths in Custody. While a small number of recommendations relate specifically to other jurisdictions, the bulk of the recommendations are framed generically and are intended to be acted upon nation-wide.

The most recent of the ACT's consolidated responses to the Royal Commission was tabled in the Assembly in May 1995 and is the 1993-94 implementation report, "*Empowerment*" which covers the period to 31 December 1994. A report for the period 1 January 1995 - to 30 June 1996 is currently being prepared and will be tabled by the Chief Minister once finalised.

**ATTORNEY-GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 252**

**Security Industry - Code of Practice**

**Ms Follett - asked the Minister for Consumer Affairs** - Is it true that you are preparing a Code of Practice for the Security Industry. If so, (a) when will this Code be released; (b) what consultation arrangements will apply; and (c) why are you not preparing legislation on this matter, when experience interstate indicates that a Code of Practice is insufficient protection for the public.

**Mr Humphries - The answer to the Member's question to the Minister for Consumer Affairs is as follows:**

I have directed the Director of Consumer Affairs to prepare codes of practice in relation to the Security Protection Industry and the Investigation Industry under the Fair Trading Act.

In relation to the other matters you raised:

(a) Indicative codes of practice concerning a number of constituent parts of these industries have been prepared. These indicative codes deal with:

- . the guard and patrol services industry;
- . the crowd marshals industry;
- . the access control industry; and
- . the investigation industry.

The indicative codes are available from the Consumer Affairs Bureau. The desirability of a separate additional code dealing with bodyguard services is also under consideration and will be available shortly for industry consideration. The availability of these codes has been advertised to industry and the community. A number of meetings with industry groups have taken place to consider the codes.

(b) The Fair Trading Act requires that the Director arrange for consultation with, and invite submissions from, such persons and organisations with an interest in the codes. If the Director is satisfied that associated persons in a field of trade or commerce have, in consultation with organisations representing consumers and other interested persons, agreed to abide by the codes in their dealings with or in relation to consumers, the Director may submit the codes to me for consideration together with any recommendations by the Director with respect to amendments to the code.

(c) The approach that I have adopted in relation to this matter is consistent with a report to me concerning the Security (Protection) Industry prepared by the Director of Law Reform under the Law Review Program. I released this report on 10/1/96.

The report proposes government intervention into the ACT security protection and investigative industries, including:

- . establishment of co-regulatory industry supervising bodies for both the security protection industry and the investigative industry;
- . assisting the Director of Consumer Affairs in the process of adopting a code of practice under the Fair Trading Act along the lines of the indicative code attached to the report;
- . providing advice to Government concerning the adoption of a proposed business licensing and occupation registration scheme.

The report adopted this approach because:

- . the ACT is the only Australian jurisdiction that does not regulate these and associated industries in one form or the other;
- . research suggests that this is the best model to follow (there is no satisfactory Australian model, research suggesting that the ACT follow a best practice US model); and
- . national competency based training initiatives presuppose a basic business licensing and occupational registration scheme.

Codes of ethics or conduct sometimes prove inadequate as a mechanism to regulate a particular aspect of the market. However, a mandatory code of practice under the Fair Trading Act imposes enforceable conditions and is quite different from a code of ethics or conduct. For example, under a mandatory code of practice under the Fair Trading Act, if it appears to the Director that a person has carried on business in contravention of the code, the Director may request the person to give undertakings concerning:

- . discontinuance of the conduct;
- . future compliance with the code;
- . the action the person will take to rectify any consequence of the contravention.

If a person fails to give an undertaking, the Magistrates Court may, on the application of the Director and on being satisfied that there were grounds for requesting the undertaking, enforce the code.

In accordance with the recommendations, I have appointed an industry taskforce to advise on implementation of the reforms. The taskforce is chaired by Justice Rae Else-Mitchell. Other members include:

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Mr Trevor James - Chairman of the ACT Branch of the Australian Security Industry Association Limited;

Mr Max Robinson - Former Commission of the Tasmanian Police Force;

Mr Reg Langshaw - a retired industry member;

Mr Steve Udjor - an officer of a leading entertainment business;

Mr Col Monger - Director of MSS Security in Canberra;

Ms Paula Irvine - CIT;

Ms Marion Mantell - Insurance Council;

Mr Winston Gregory - consulting investigator;

Mr Hugh Poate - trainer; and

Mr Mike Lucas - member AFP

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 258**

**Leases - Betterment Payments**

**Ms McRae** asked the Minister for the Environment, Land and Planning:

How much betterment was paid for what project in (a) 1992; (b) 1993; (c) 1994; and (d) 1995.

**Mr Humphries** - the answer to the Member's question is as follows:

The attached schedule sets out this information.

It would be necessary to search the records to identify who the developer and lessee was in each instance.

My officers are available to assist Ms McRae with any further information she requires, including information on particular cases, if required.



## BETTERMENT

Suburb	Section	Block	Receipt Amount	Receipt Date	Category Res./Com./Rural	Remission (%) Method	Valuation
GREENWAY	031	0006	280,000	27-Jun-1990	Res.	nil	A
THEODORE	613	0044	18,000	17-Jul-1991	Res.	nil	A
KINGSTON	021	0012	32,500	02-Aug-1991	Com.	50	B
KINGSTON	014	0002	47,500	29-Aug-1991	Com.	50	B
CONDER	287	0002	70,000	16-Sep-1991	Res.	nil	B
AINSLIE	026	0008	52,950	20-Sep-1991	Com.	50	A
DICKSON	072	21	12,500	27-Sep-1991	Com.	Purchase of block	
RED HILL	013	1	38,500	15-Oct-1991	Com.	50	A
BRUCE	051	0012	64,250	21-Oct-1991	Res.	nil	B
DEAKIN	037	0084	48,500	04-Nov-1991	Com.	50	A
HOLT	050	0038	90,000	04-Nov-1991	Com.	50	A
KINGSTON	028	0017	10,800	04-Nov-1991	Res.	Augm. Fee	
BONYTHON	022	0002	84,000	11-Nov-1991	Res.	nil	B
CANBERRA CITY	008	0005	30,000	12-Nov-1991	Com.	nil	A
GUNGAHLIN	000	0477	4,350	18-Nov-1991	Com.	nil	A
HACKETT	018	0005	80,000	25-Nov-1991	Res.	50	A
GREENWAY	019	0019	40,000	16-Dec-1991	Com.	nil	A
BARTON	009	0008	235,750	19-Dec-1991	Conc.	nil	B
CANBERRA CITY	035	0009	170,000	19-Dec-1991	Com.	nil	A
GRIFFITH	025	0013	22,500	23-Dec-1991	Com.	50	A
GRIFFITH	014	0019	67,500	06-Jan-1992	Res.	Augm. Fee	
GORDON	463	0028	60,000	10-Jan-1992	Res.	nil	B
PHILLIP	019	0001	224,000	17-Jan-1992	Com.	44	A
FORREST	034	0007	5,000	22-Jan-1992	Com.	nil	A
HACKETT	017	0008	36,500	23-Jan-1992	Res.	50	B
BRADDON	019	0008	68,500	03-Feb-1992	Res.	50	A
FYSHWICK	027	0036	5,000	04-Feb-1992	Ind	50	C
KINGSTON	026	0034	103,950	06-Feb-1992	Res.	Augm. Fee	
KINGSTON	026	0034	240,300	07-Feb-1992	Res	Add. Land	
HUME	004	0053	47,500	19-Feb-1992	Com.	5	A
GRIFFITH	039	0001	2,000	21-Feb-1992	Conc.	80	A
MITCHELL	018	0012	29,600	05-Mar-1992	Com.	26	B
PEARCE	011	0023	7,500	23-Mar-1992	Com. + Res.	50	A
GRIFFITH	016	0014	20,250	25-Mar-1992	Res.	Augm. Fee	
MITCHELL	038	0005	100,800	31-Mar-1992	Com.	nil	B
GRIFFITH	025	0015	40,050	13-May-1992	Com.	11	B
FYSHWICK	011	0001	7,500	18-May-1992	Ind	50	C
FYSHWICK	029	0001	50,000	18-May-1992	Ind	50	C
YARRALUMLA	056	0021	100,000	20-May-1992	Res.	50	A
CHISHOLM	575	0012	18,000	21-May-1992	Conc	nil	B
DEAKIN	035	0039	125,000	01-Jun-1992	Com.	nil	A
FYSHWICK	029	0020	23,850	03-Jun-1992	Com.	47	C
FYSHWICK	29	30	51,600	05-Jun-1992	Com.	14	C
HUME	22	12	175,000	05-Jun-1992	Com	Add. Land	
NARRABUNDAH	100	0024	213,490	09-Jun-1992	Res.	Add. Land	
BELCONNEN	184	0013	160,000	22-Jun-1992	Res.	nil	A
COOK	014	0019	50,000	22-Jun-1992	Res.	nil	C
MACQUARIE	048	0003	5,000	22-Jun-1992	Com.	50	B

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CHARNWOOD	095	0004	20,000	29-Jun-1992	Com.	50	A
FYSHWICK	029	0044	15,000	02-Jul-1992	Com.	50	A
BELCONNEN	59	13	450,000	10-Jul-1992	Res	nil	C
GRIFFITH	002	0038	22,500	21-Jul-1992	Res.	14	A
FORREST	034	0008	23,000	23-Jul-1992	Com.	50	B
JERRABOMBERRA	000	2101	35,000	29-Jul-1992	Ind	Purchase of Block	
ARANDA	014	0020	55,000	05-Aug-1992	Com.	50	A
WATSON	061	0005	20,000	07-Aug-1992	Res.	nil	A
YARRALUMLA	054	0022	14,532	31-Aug-1992	Res.	nil	B
GRIFFITH	017	0002	10,800	08-Sep-1992	Res.	Augm. Fee	
GRIFFITH	017	0003	10,800	08-Sep-1992	Res.	Augm. Fee	
GRIFFITH	017	0004	10,800	08-Sep-1992	Res.	Augm. Fee	
GRIFFITH	017	0005	10,800	08-Sep-1992	Res.	Augm. Fee	
GRIFFITH	016	0007	114,750	11-Sep-1992	Res.	Augm. Fee	
BELCONNEN	013	0002	6,000	14-Sep-1992	Com.	Add. Land	
KINGSTON	019	0006	43,200	14-Sep-1992	Res.	Augm. Fee	
GRIFFITH	013	0032	75,000	18-Sep-1992	Res.	50	B
HOLDER	037	0022	114,500	18-Sep-1992	Res.	nil	C
KINGSTON	022	0014	5,400	22-Sep-1992	Res.	Augm. Fee	
STROMLO	000	0435	5,580	25-Sep-1992	Rural	Purchase of Improvements	
FYSHWICK	018	0018	173,500	15-Oct-1992	Com.	50	A
MITCHELL	001	0011	10,000	27-Oct-1992	Com.	nil	C
FYSHWICK	021	0036	10,000	04-Nov-1992	Ind	50	C
MITCHELL	018	0028	17,800	11-Nov-1992	Com.	11	C
PHILLIP	158	0020	24,000	13-Nov-1992	Res.	nil	C
GRIFFITH	002	0024	25,000	18-Nov-1992	Res.	nil	C
GRIFFITH	002	0026	25,000	18-Nov-1992	Res.	nil	C
CALWELL	072	0002	50,000	07-Dec-1992	Com.	nil	C
CHARNWOOD	095	0003	5,000	08-Dec-1992	Com.	50	A
TURNER	045	0003	12,000	15-Dec-1992	Res. + Com.	20	C
GRIFFITH	026	0005	15,000	18-Dec-1992	Com.	50	C
NARRABUNDAH	100	0004	29,500	23-Dec-1992	Com.	41	C
DICKSON	032	0006	7,950	13-Jan-1993	Com.	50	C
WANNIASSA	126	0014	28,000	15-Jan-1993	Com.	nil	C
MAWSON	046	0019	16,000	19-Jan-1993	Com.	nil	B
WANNIASSA	139	0033	120,000	22-Jan-1993	Res.	50	C
GRIFFITH	002	0023	31,500	12-Feb-1993	Res.+ Com .	50	C
DEAKIN	035	0059	46,000	18-Feb-1993	Com.	nil	C
DEAKIN	037	0081	10,000	22-Feb-1993	Com.	nil	C
PEARCE	015	0001	43,000	24-Feb-1993	Res.	50	B
LYNEHAM	030	0046	35,000	09-Mar-1993	Res.	50	B
FYSHWICK	029	0031	34,450	17-Mar-1993	Com.	47	C
MELBA	070	0001	40,000	23-Mar-1993	Res.	nil	C
O'MALLEY	034	0009	582,640	26-Mar-1993	Res.	50	B
KINGSTON	019	0012	95,850	05-Apr-1993	Res.	Augm. Fee	
KAMBAH	346	54	16,000	07-Apr-1993	Com.	Add. Land	
NARRABUNDAH	100	0013	1,194,800	20-Apr-1993	Res.	29	A
WANNIASSA	151	0017	83,828	23-Apr-1993	Com.	35	C
GREENWAY	007	0010	15,000	13-May-1993	Com.	nil	C

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CURTIN	063	0005	331,000	19-May-1993	Res.	50	A
DEAKIN	035	0069	33,000	04-Jun-1993	Com.	nil	C
PALMERSTON	159	0003	7,000	08-Jun-1993	Res.	nil	C
CAMPBELL	029	0001	135,000	17-Jun-1993	Res.	50	C
MACQUARIE	049	0002	5,000	18-Jun-1993	Com.	50	A
GRIFFITH	084	0007	325,000	23-Jun-1993	Res.	50	B
BELCONNEN	010	0003	7,700	24-Jun-1993	Com.	23	C
ISAACS	552	0001	100,000	24-Jun-1993	Res.	nil	C
PHILLIP	024	0004	25,000	24-Jun-1993	Com.	nil	C
STROMLO	000	0418	4,150	25-Jun-1993	Rural	50	C
BELCONNEN	030	0006	52,000	05-Jul-1993	Com.	20	C
CONDER	129	0017	157,500	07-Jul-1993	Res.	nil	C
FLOREY	143	0026	15,000	15-Jul-1993	Com.	nil	C
PHILLIP	35	5	8,300	22-Jul-1993	Com.	17	C
MAWSON	045	0024	7,500	23-Jul-1993	Com. + Res.	50	C
AINSLIE	033	0046	22,000	06-Aug-1993	Res.	nil	A
BELCONNEN	28	19	2,500	17-Aug-1993	Com	Add.Land	
FLOREY	187	0001	18,000	25-Aug-1993	Com.	nil	C
BELCONNEN	13	6	26,650	26-Aug-1993	Com	41	B
GRIFFITH	002	0019	25,000	27-Aug-1993	Com. + Res.	50	C
HACKETT	017	0007	7,500	30-Aug-1993	Res.	50	C
O'MALLEY	034	0007	88,000	31-Aug-1993	Res.	nil	C
CONDER	275	0020	60,000	02-Sep-1993	Res.	nil	C
BRADDON	058	0007	7,500	07-Sep-1993	Res.	50	C
CHAPMAN	011	0062	3,400	21-Sep-1993	Com.	32	C
ISAACS	541	0001	9,500	21-Sep-1993	Res.	5	C
BRADDON	020	0010	18,500	28-Sep-1993	Com.	50	B
WANNIASSA	126	0014	18,000	26-Oct-1993	Com.	nil	C
PHILLIP	006	0014	85,000	01-Nov-1993	Com.	Add. Land	
FYSHWICK	012	0010	7,500	11-Nov-1993	Ind	50	C
GRIFFITH	084	0005	275,000	15 Nov 1993	Res.	50	C
DEAKIN	035	0072	50,000	20-Dec-1993	Com.	nil	C
CAMPBELL	049	0005	4,000	21-Dec-1993	Com.	50	C
CALWELL	073	0001	4,000	22-Dec-1993	Res.	nil	C
GRIFFITH	002	0005	155,000	13-Jan-1994	Res.	nil	C
FYSHWICK	032	0035	1,360	19-Jan-1994	Ind.	32	C
BRADDON	029	0015	10,000	20-Jan-1994	Com.	50	C
FLOREY	187	0001	19,000	25-Jan-1994	Com.	nil	D
FYSHWICK	008	0010	2,500	28-Jan-1994	Ind.	50	C
DEAKIN	035	0036	9,000	03-Feb-1994	Com.	nil	C
FYSHWICK	025	0015	2,500	04-Feb-1994	Com.	50	C
PHILLIP	049	0024	95,000	10-Feb-1994	Com.	5	B
LYNEHAM	102	0010	5,000	18-Feb-1994	Com.	nil	C
YARRALUMLA	057	0001	40,000	23-Feb-1994	Res.	50	C
TUGGERANONG	000	1169	46,000	24-Feb-1994	Com.	8	C
HOLT	098	0005	1,315,000	14-Mar-1994	Res.	50	A
DEAKIN	037	0023	32,400	22-Mar-1994	Conc.	10	C
FYSHWICK	027	0023	3,500	25-Mar-1994	Com.	50	C
OAKS ESTATE	2	20	2,700	25-Mar-1994	Com.	nil	C
AINSLIE	002	0021	20,000	30-Mar-1994	Res.	50	C
CANBERRA CITY	035	0013	60,000	30-Mar-1994	Conc	20	C
PHILLIP	032	0008	12,000	12-Apr-1994	Com.	nil	C
PHILLIP	032	0009	23,000	12-Apr-1994	Com.	nil	C

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HAWKER	033	0018	8,000	13-Apr-1994	Com.	nil	D
FYSHWICK	027	0002	27,500	26-Apr-1994	Ind	50	C
O'CONNOR	034	0009	27,500	27-Apr-1994	Res.	50	D
O'CONNOR	035	0009	27,500	27-Apr-1994	Res.	50	D
DEAKIN	035	0070	30,000	03-May-1994	Com.	nil	C
FYSHWICK	025	,0031	21,000	09-May-1994	Com	50	B
STROMLO	000	0015	1,733	16-May-1994	Rural	50	C
WESTON	046	0019	100,000	17-May-1994	Res.	nil	D
BRADDON	016	0001	35,000	26-May-1994	Res.	50	D
MITCHELL	001	0018	10,000	27-May-1994	Com.	nil	C
FYSHWICK	009	0015	27,500	30-May-1994	Ind.	50	C
PHILLIP	064	0002	35,000	31-May-1994	Com.	nil	A
PHILLIP	161	0001	500	31-May-1994	Com.	nil	A
AINSLIE	001	0001	25,000	02-Jun-1994	Res.	50	D
GUNGAHLIN	000	0401	485,000	08-Jun-1994	Com.	nil	D
FYSHWICK	030	4	25,000	09-Jun-1994	Com.	Add. Land	
HOLT	051	0001	115,200	15-Jun-1994	Res.	20	D
CANBERRA CITY	023	0010	50,000	22-Jun-1994	Com.	nil	D
MITCHELL	001	0018	5,000	01-Jul-1994	Com.	nil	C
O'CONNOR	071	0008	60,000	08-Jul-1994	Res.	50	D
WANNIASSA	127	0019	13,350	08-Jul-1994	Com.	11	C
AINSLIE	033	0049	15,000	11-Jul-1994	Res.	50	C
FYSHWICK	021	0039	55,000	15-Jul-1994	Ind.	50	C
BELCONNEN	006	0003	15,000	18-Jul-1994	Com.	nil	D
FYSHWICK	033	0024	12,500	18-Jul-1994	Com.	50	C
HUME	004	0050	28,970	26-Jul-1994	Com.	Add. Land	
PHILLIP	017	0006	150,000	29-Jul-1994	Com.	Add. Land	
FYSHWICK	027	0031	15,000	02-Aug-1994	com	50	C
MITCHELL	001	0018	5,000	02-Aug-1994	Com.	nil	C
PHILLIP	027	0010	15,000	02-Aug-1994	Com	nil	C
FORREST	012	0001	205,480	04-Aug-1994	Res./Conc	50	A, C & C
GARRAN	008	0043	108,260	04-Aug-1994	Res./Conc.	50	C
KAMBAH	346	0037	5,000	05-Aug-1994	Com.	nil	D
BRADDON	021	0001	90,000	09-Aug-1994	Com.	nil	D
PALMERSTON	140	0004	53,000	09-Aug-1994	Res.	nil	D
KINGSTON	026	0032	252,800	10-Aug-1994	Res.	50/Add. Land	C
FYSHWICK	011	0014	7,500	19-Aug-1994	Ind.	50	C
GUNGAHLIN	000	0477	135,000	22-Aug-1994	Com.	nil	D
BELCONNEN	052	0008	475,000	23-Aug-1994	Com.	Add. Land	
FYSHWICK	012	0004	2,500	24-Aug-1994	Ind.	50	C
COOK	13	11	65,000	29-Aug-1994	Res	nil	D
FLOREY	183	32	46,400	29-Aug-1994	Res	20	D
FARRER	44	1	12,000	29-Aug-1994	Res	nil	D
BRADDON	022	0010	125,000	30-Aug-1994	Res.	50	C
NARRABUNDAH	100	0016	340,000	30-Aug-1994	Com.	nil	C
FYSHWICK	022	0020	22,500	31-Aug-1994	Ind.	50	C
GRIFFITH	018	0004	122,500	02-Sep-1994	Com.	50	A
MITCHELL	001	0018	5,025	13-Sep-1994	Com.	nil	C
KINGSTON	025	0004	250,000	23-Sep-1994	Res. + Com.	50+nil	D
GREENWAY	046	0004	3,800	27-Sep-1994	Com.	Payout of rent/nil	D
BRADDON	022	0024	275,000	04-Oct-1994	Res.	50	D

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MITCHELL	004	0014	15,000	04-Oct-1994	Com.	nil	C
FYSHWICK	025	0014	2,500	10-Oct-1994	Com.	50	C
KAMBAH	007	0000	160,000	10-Oct-1994	Com.	Add. Land	
BRADDON	024	0003	42,500	17-Oct-1994	Res.	50	D
HUME	5	4&3	40,000	17-Oct-1994	Com	nil	D
FYSHWICK	029	0004	22,500	27-Oct-1994	Com.	50	C
FYSHWICK	029	0021	7,500	15-Nov-1994	Com.	50	C
FYSHWICK	024	0025	7,500	18-Nov-1994	Com.	50	C
FYSHWICK	018	0001	35,000	29-Nov-1994	Com.	50	C
GREENWAY	046	0005	100,000	02-Dec-1994	Com.	nil	D
FYSHWICK	11	26	5,000	13-Dec-1994	Ind.	50	C
FYSHWICK	039	0008	8,600	13-Dec-1994	Com.	14	C
BRADDON	028	0003	5,000	19-Dec-1994	Com.	nil	D
MITCHELL	038	0005	45,000	23-Dec-1994	Com.	nil	D
PIALLAGO	033	0002	33,887	31-Dec-1994	Rural	Add. Land	
FYSHWICK	021	0034	12,500	06-Jan-1995	Com.	50	C
FYSHWICK	029	0039	5,000	06-Jan-1995	Ind.	50	C
FYSHWICK	022	0030	5,000	12-Jan-1995	Ind.	50	C
KALEEN	117	0020	661,000	13-Jan-1995	Com.	nil	B
FYSHWICK	013	0001	20,000	16-Jan-1995	Ind.	50	C
DEAKIN	037	0024	35,000	20-Jan-1995	Com.	nil	C
AINSLIE	084	0002	30,000	30-Jan-1995	Res.	50	D
LATHAM	119	0024	250	02-Feb-1995	Res.	Add. Land	
FYSHWICK	033	0012	11,550	13-Feb-1995	Com.	23	C
FYSHWICK	013	0011	5,000	16-Feb-1995	Ind.	50	C
FADDEN	405	0001	80,000	20-Feb-1995	Res.	nil	D
MONASH	161	0023	100,000	02-Mar-1995	Com.	nil	D
FYSHWICK	019	0002	2,500	06-Mar-1995	Com.	50	C
WESTON	062	0001	69,500	09-Mar-1995	Com.	nil	D
HUME	022	0014	10,000	17-Mar-1995	Com.	nil	D
NGUNNAWAL	014	0009	30,000	23-Mar-1995	Res.	nil	D
BRADDON	001	0005	40,000	24-Mar-1995	Res.	50	C
FYSHWICK	033	0028	30,000	27-Mar-1995	Com.	nil	C
BELCONNEN	029	0020	10,000	28-Mar-1995	Com.	50	A
MAWSON	046	0006	16,000	31-Mar-1995	Com.	nil	D
MCKELLAR	051	0001	8,000	31-Mar-1995	Com.	20	C
BELCONNEN	031	0005	100,000	04-Apr-1995	Com.	nil	C
KINGSTON	014	0003	15,000	04-Apr-1995	Com.	nil	D
FYSHWICK	019	0003	2,500	07-Apr-1995	Ind.	50	C
MITCHELL	1	16	8,000	19-Apr-1995	Com.	nil	D
FYSHWICK	12	2	10,000	01-May-1995	Ind.	Add. Land	
CANBERRA CITY	015	0013	620,000	05-May-1995	Com.	Add. Land/Extend lse term	
FYSHWICK	009	0007	5,000	08-May-1995	Ind.	50	C
BRADDON	022	0001	127,000	12-May-1995	Res.	50	D
BRADDON	047	0011	110,000	12-May-1995	Res.	50	D
DEAKIN	037	0049	3,000	15-May-1995	Comm/Conc	nil	D
CURTIN	62	0004	20,000	16-May-1995	Com	nil	D
DICKSON	30	2	60,000	16-May-1995	Com	nil	D
FYSHWICK	019	0012	1,000	17-May-1995	Ind.	50	C
HIGGINS	012	0009	1,000	17-May-1995	Com.	nil	D
DEAKIN	037	0057	59,200	19-May-1995	Com.	nil	D

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KINGSTON	024	0004	21,900	23-May-1995	Res.	Augm. Fee	
FYSHWICK	012	0006	35,000	24-May-1995	Ind.	50	C
FYSHWICK	012	005	13,000	01-Jun-1995	Ind.	Add. Land	
MONASH CENTRAL ESTATE		192,50001	1-Jun-1995	Res	Broad Acre		
PALMERSTON	159	4	20,000	01-Jun-1995	Res	nil	C
FYSHWICK	021	0031	15,000	02-Jun-1995	Ind.	50	C
MAWSON	46	1	25,000	02-Jun-1995	Com.	nil	D
DEAKIN	037	0087	25,000	05-Jun-1995	Conc.	nil	D
KAMBAH	277	0031	40,000	13-Jun-1995	Com	nil	B
AINSLIE	026	0011	20,000	14-Jun-1995	Com.	nil	D
FYSHWICK	029	0046	22,500	26-Jun-1995	Ind.	50	A
FYSHWICK	010	007	19,000	29-Jun-1995	Ind.	Add. Land	
BELCONNEN	000	1496	27,500	29-Jun-1995	Com.	nil	A
FYSHWICK	029	0003	5,000	29-Jun-1995	Com.	50	C
CANBERRA CITY	035	0003	707,200	30-Jun-1995	Com.	32	C
FORREST	018	0003	64,000	14-Jul-1995	Conc,	20	D
CANBERRA CITY	005	0005	15,000	17-Jul-1995	Com.	nil	D
HAWKER	033	0015	5,000	17-Jul-1995	Com.	nil	D
MAWSON	047	0003	7,000	18-Jul-1995	Com.	nil	D
FYSHWICK	013	0010	17,500	24-Jul-1995	Ind.	50	C
FYSHWICK	018	0010	42,500	24-Jul-1995	Ind.	50	C

## METHODS USED FOR CALCULATING BETTERMENT

A brief history of the various methods used during the past years for collecting betterment in respect of lease variations.

- . Prior to 1 January 1970 land rent was charged for all commercial and residential leases. If a lease was varied the rent was varied. Reappraisal of rent was carried out every 20 years.
- . On 1 January 1970 land rent was abolished in respect of all commercial and residential leases issued under the City Area Leases Act. It was also a Departmental policy to apply the same rules to leases issued pursuant to the Leases (Special Purposes) Act. From 1 January 1970 to 22 February 1990 lessees could make application to vary a lease pursuant to Section 11A of the City Area Leases Act. Section 11A involved an application to the Supreme Court and if successful betterment was charged in the following manner:-

“before” and “after” values were determined for the purpose of calculating betterment. These figures were based on the value of the land and improvements. The before value was the value of the property in its current use the day before the variation and the after value was the value of the land and existing improvements with the new purpose. The after value took into consideration demolition costs and any off site works considered necessary for the new use. Betterment was calculated at 50% of the added value less \$1,500. Leases (Special Purposes) Act leases were treated in the same manner under Departmental policy. This was known as **Method “A”**.
- . On 22 February 1990 the new ACT Government (Kaine) introduced an amendment to Section 11A CALA (CALA (Betterment Charge Assessment) Regulations) which defined the before and after values to be the same as the unimproved value as defined in the Rates and Land Tax Act. No assumption was made that the lease purpose would remain unchanged and there was no requirement to exclude potential for redevelopment. It was also assumed that the lease would remain in force for 99 years. The value of improvements was not a consideration. With potential included the before value increased and the gap between the before and after values was reduced - hence less betterment. In addition to this change in valuation technique a schedule of remission for betterment was also introduced. Leases that had run for terms of 20 years or more were entitled to a maximum remission of 50%. The scale was graduated in years so that a lease that had run for a period of 5 years or less was not entitled to any remission with varying percentage remissions from 5 years to 20 years. This method of arriving at betterment remained in force to 22 April 1992. It is known as **Method “B”**.

(On 2 April 1991 the new Land ( Planning and Environment ) Act was introduced).

From 22 April 1992 the method for valuing property remained the same as in “Method B” the only exception being that it wasn’t assumed that the lease would extend for 99 years. The sliding scale for remission remained unchanged. This method is known as **Method “C** and ran unchanged to 13 September 1993. Redevelopment potential was included in respect of the before value.

On 14 September 1993 the then Minister announced further changes to the method for calculating betterment derived from variations to leases. Calculation of betterment was based on the value of the land only. This effectively eliminated any potential. It was determined also that the present before value would be calculated on the basis that no change would occur during the life of the lease.

In addition to the method of calculation of values, the rules as to which variations were entitled to the sliding scale for remission was amended. A lessee/developer was now required to pay 100% of the added value (ie the difference between the before and after values) for all variations involving residential to commercial or commercial to higher order commercial.

The sliding scale would continue to apply to lease variations involving residential to higher order residential and commercial to residential. This method is referred to as **Method “D”**.

The only exclusion to the above policy was for leases in Fyshwick for a period of 12 months. This would give Fyshwick lessees both the incentive and the chance to correct lessees with existing lease purpose breaches. All leases in Fyshwick, including leases that had not previously been in breach of their purpose, were given the right to vary their lease using the sliding scale of remission. This policy expired 14 September 1994.

The above history relates mainly to commercial and residential leases however there are several exceptions mentioned below-

- During the early 1980’s a policy was introduced ( now included in Land Act Regulations ) for a specific area known as the “Kingston Griffith Redevelopment Zone” where the Government instead of requiring betterment to be paid for residential (multi unit) redevelopment charged an augmentation fee. The fee was related to numbers of original residential blocks to be consolidated and numbers of units to be constructed and was introduced as an incentive to see this particular area redeveloped. Generally speaking the cost to the lessee/developer was less than what it would have been had betterment been sought. This policy still exists.



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- Dual occupancy policy for single unit residential leases was first introduced in February 1986. From February 1986 to November 1994 it was Departmental policy not to charge betterment following a variation of lease from a single residence to dual occupancy. On 21 November 1994 it was proposed to introduce a policy to charge 100% on the added value to residential leases following a variation to allow dual occupancy. Such a charge would be levied should the lessee make application to sub-divide the block by unit title. After the change of Government this proposed policy was scrapped and the sliding scale of remission still applies.
- In respect of Housing Trust Properties, any Trust property held by the Commissioner for Housing for a term commencing on or before 16 December 1987 a remission of 50% of the added value for a lease variation applies automatically. In cases involving leases issued after 16 December 1987 any remission is based on the sliding scale for variations to higher order residential or full cost to leases varying to include a commercial component.
- In cases involving variations of concessional and free of charge leases the same rules were applied as for commercial and residential leases. The only difference being that with the introduction of the sliding scale for remission on 22 February 1990 that a free of charge lease could receive a maximum remission rate after 20 years of 10% and a concessional lease 20%.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 264**

**Education - Budget Supplementation**

**MS McRAE** - asked the Minister for Education and Training on notice on 25 June 1996:

What budget supplementation was given to the recurrent funding for education for each year between 1989 to 1995 in (a) the government sector; and (b) the non-government sector.

**MR STEFANIAK** - The answer to Ms McRae's question is:

Supplementation is provided to reflect a range of variations including Administrative Arrangement Order changes, arbitrated salary and wage increases, enrolment variations and increased levels of Commonwealth specific purpose funding. The figures below indicate the total difference between the original Appropriation and the Outcome for each year.

	<b>(a) Government Schooling \$'000</b>	<b>(b) Non-Government Schooling \$'000</b>
1989-90	Nil	Nil
1990-91	Nil	Nil
1991-92	4,078	Nil
1992-93	3,294	1,231
1993-94	2,747	930
1994-95	3,109	3,669
1995-96	Nil (1)	Nil

*Source: ACT Department of Education and Training Annual Management Reports 1992-93 to 1994-95  
ACT Government Budget Papers 1989-90 to 1992-93*

- (1) Consistent with the Government's commitment to maintain funding in real terms, an additional \$7.8m was added to the Appropriation.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 267**

**Education - Recurrent Funding**

**MS McRAE** - asked the Minister for Education and Training on notice on 25 June 1996:

What proportion of the total appropriation for recurrent funding was allocated for education for each year between 1989 to 1995 in (a) the government sector, and (b) the non-government sector.

**MR STEFANIAK** - the answer to Ms McRae's question is:

The percentage of allocation provided each year to Government and Non-Government Schooling as a percentage of the original Appropriation is:

	<b>(a) Government Schooling</b>	<b>(b) Non-Government Schooling</b>
1989-90	18.3%	5.4%
1990-91	16.4%	4.4%
1991-92	17.3%	4.9%
1992-93	17.9%	4.9%
1993-94	18.5%	4.9%
1994-95	17.7%	5.1%
1995-96	17.9%	5.5%

Source: ACT Government Budget Papers 1989-90 to 1995-96 (Budget Overview)

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 270**

**Residential Development - Lyons**

**Ms Reilly** asked the Minister for the Environment, Land and Planning

- (1) What is the current status of the housing development planned for part of the school oval in Lyons.
- (2) Has the land been sold.
- (3) Have plans for development been (a) submitted (b) approved.
- (4) What is the timetable for community consultation.

**Mr Humphries** - The answer to Ms Reilly's question is as follows:

- (1) As suggested by the Lyons Primary School Board and the Parents and Citizens Association, The Territory Plan has been varied to allow residential development of portion of the school grounds, now known as Block 4 Section 41 Lyons. The proposal was supported by the Department of Education and Training and the Lyons Community Association.

The site is scheduled in the draft Land Release Program for sale by auction in November 1996. The multi unit site is to be offered for development to a maximum of 22 dwelling units with a mix of 2 and 3 bedroom units. Details of the Lease and Development Conditions will be included in the public document to be produced for the auction.

- (2) No.
- (3) (a) No (b) No
- (4) The site has been subjected to public consultation in accordance with the processes required to vary the Territory Plan. While it is not a requirement of the Development Conditions for consultation, potential lessees will be advised that, before a formal Design and Siting application is received for consideration by the Planning Authority, the Lessee should discuss the proposal with the Lyons Community Association as a matter of courtesy. This will give the Lessee the opportunity to indicate to the Association how their concerns (including safety, tree retention, parking, access etc.) have been addressed.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 271**

**Public Service - Senior Executive Service**

**MR WHITECROSS** - Asked the Chief Minister upon notice on 26 June 1996:

- (1) Prior to the release of the Cullen Egan and Dell Report -
  - (a) how many SES jobs were there in the ACT Public Service;
  - (b) how many SES positions were there in each Agency;
  - (c) what level were the SES positions in each agency;
  - (d) what salary were each of these SES positions paid;
  - (e) which officers occupied these positions at both actual and substantive levels; and
  - (f) which officers at the SES level were unattached.
  
- (2) Could a copy of the Cullen Egan and Dell Report be provided to each Member of the Assembly.
  
- (3) What was the total cost of the Cullen Egan and Dell Report, namely:
  - (a) the amount paid to the consultants;
  - (b) the cost of SES involvement in the report, including:
    - (i) time spent by SES officers at interviews; and
    - (ii) time spent by SES officers completing survey forms.
  
- (4) As at 1 June 1996 in relation to the ACT Public Service:
  - (a) how many SES/Executive Officer positions existed in each agency;
  - (b) what was the salary attached to each of these SES/Executive Officer positions;
  - (c) which officers occupied the positions at both actual and substantive levels;
  - (d) which officers were unattached;
  - (e) which positions were filled without advertising and/or interview;
  - (f) which officers were appointed to SES/Executive Officer positions without interview;
  - (g) which positions, if any, are yet to be permanently filled; and
  - (h) if positions are yet to be permanently filled, in which Agencies are each of these positions.

- (5) When will each of the contracts for each of the SES/Executive Officer positions in the ACT Public Service be tabled in the Assembly.
- (6) How long is the contract term for each of the SES/Executive Officer positions in the ACT Public Service and, of these positions:
  - (a) how long before each of these positions are filled permanently or on contract;
  - (b) how many SES/Executive Officers have accepted redundancy packages and at what level were they employed at;
  - (c) which agency did the officer accepting a redundancy package work for;
  - (d) what was the cost of each redundancy package;
  - (e) what was the length of service of each SES officer who took a voluntary redundancy package.
- (7) What are the names of the officers (a) who were appointed to SES/Executive Officer positions from outside the ACT Public Service; and (b) in each case, who was the officer's immediate past employer.
- (8) In relation to SES Officers in the ACT Public Service who have not been offered Executive Officer contracts within the ACT Public Service, (a) what services are being provided to relocate them; (b) retrain them; and (c) at what cost.
- (9) What are you doing to fulfil your commitment that unplaced SES officers would be offered jobs within the ACT Public Service at the SOG B or SOG A level.
- (10) What commitment are you prepared to give that no further restructuring of the SES will occur over the next 12 months.

**MRS CARNELL** - The delay in providing the response has been largely brought about by the considerable liaison between agencies required to co-ordinate the response to provide Members with the latest possible information. A supplementary table providing the status of Executive offices as at 20 August 1996 has been included. The answer to the Member's questions are set out below.

(1) *Prior to the release of the Cullen Egan and Dell Report -*

(a) *how many SES jobs were there in the ACT Public Service;*

There were a total of 8 Chief Executive and 106 SES positions in the ACT Public Service. In addition, there were 14 statutory office holder positions and 16 SES equivalent positions bringing the total for the SES profile to 144. Of that number, there were 22 positions excluded from the CED resizing and redesign exercise because they were either in the process of being abolished or they were already identified as being excess to requirements. Also excluded from the review were 12 statutory office holder positions.

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(b) *how many SES positions were there in each Agency;*

<b>Name of Agency</b>	<b>CE/SES</b>	<b>Statutory</b>	<b>SES Equiv.</b>	<b>Total</b>
Office of the Auditor General	1	1	-	2
Chief Minister's Department	21	1	-	22
Department of Health and Community Care	11	1	6	18
Calvary Hospital	2	-	-	2
Department of Business, the Arts, Sport and Tourism <sup>16</sup>		2	-	18
Department of Urban Services	31	1	-	32
Attorney General's Department	20	7	-	27
Department of Education and Training	8	-	6	14
Canberra Institute of Technology	4	1	4*	9
<b>Totals</b>	<b>114</b>	<b>14</b>	<b>16</b>	<b>144</b>

(c) *what level were the SES positions in each agency;*

(d) *what salary were each of these SES positions paid;*

(e) *which officers occupied these positions at both actual and substantive levels; and*

In response to your question (1) (c) to (e), I provide the following information. The salary levels in relation to question (d) for comparison purposes with the new Executive levels, you should add superannuation and employer provided benefits including performance bonus payments.

Separate from the initial review by CED, other offices were created in individual agencies. Additional offices resulting from those reviews appear at the end of each agency.

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
<b>ACT Auditor General's Office</b>			
Auditor General*	\$119 052	J Parkinson	J Parkinson
Deputy Auditor General			
SES Band 1	\$70 738	P Hade	P Hade
<b>CHIEF MINISTER'S DEPARTMENT</b>			
Chief Executive	\$142 299	J Walker	J Walker
<b>Cabinet and Policy Co-ordination Office</b>			
SES Band 2	\$87 325	C Adrian	C Adrian
Government Branch			
SES Band 1	\$70 738	R Walsh	R Walsh

\*excluded from the initial CED review - refer Question (1) (a).

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
Community Relations SES Band 1	\$70 738	P Karmel	P Karmel
<b>Office of Public Administration and Management</b>			
Chief Executive SES Band 3*	\$119 052 \$105 494	M Cane Vac	M Cane Vac
Information Management and Improvement SES Band 2	\$87325	P Sadler	P Sadler
Industrial Relations and Executive Development SES Band 1	\$70 738	P Rayner	P Rayner
Performance and Human Resource Services SES Band 1	\$70 738	L Harley	L Harley
Human Resource Policy SES Band 1	\$70 738	P Burnett	P Burnett
Information Technology Review SES Band 1	\$70 738	Vacant	P Bell
SES Band 1	\$70 738	Vac	S Ellis
SES Band 1	\$70 738	Vacant	L Withers
SES Band 1	\$70 738	C Clark	C Clark
<b>Office of Financial Management</b>			
Under Treasurer SES Band 3*	\$119 052 \$105 494	M Woods Vac	M Woods Vac
SES Band 2*	\$87 325	Vac	Vac
Economics SES Band 1	\$70 738	Vac	R Broughton
Budget Management SES Band 1	\$70 738	N Morgan	S Finn
Financial Services SES Band 1	\$70 738	G Harper	G Harper
Revenue Office SES Band 1	\$70 738	G Faichney	G Faichney
<b>Statutory Office</b>			
Clerk*, Legislative Assembly	\$78 055	N/A	M McRae

\*excluded from the initial CED review - refer Question (1) (a).



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Office	Salary	Substantive Occupant	Actual Occupant
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**Additional position created after CED report:-**

Strategic Planning SES Band 2	\$87 325	Vac	M Ford
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**DEPARTMENT OF HEALTH AND COMMUNITY CARE**

Chief Executive	\$119 052	G Fraser	G Fraser
Corporate and Strategic Development SES Band 2	\$87 325	G Gaskill	G Gaskill
Financial Services SES Band 1*	\$70 738	Vac	Vac
Funding and Agreements SES Band 1	\$70 738	P Gregory	P Gregory
Community SES Band 2	\$87 325	Vac	V Busteed
Community Programs SES Band 1	\$70 738	H Briggs	H Briggs
Information Systems SES Band 1	\$70 738	D Farrell	D Farrell
Corporate SES Band 1	\$70 738	Vac	J Plovits
General Manager, WVH SES Band 2	\$87 325	Vac	G Robinson
Business and Support Services SES Band 1	\$70 738	G Robinson	Vac
Mental Health SES Band 1*	\$70 738	Vac	Vac
Pathology Services Senior Specialist **	\$158 322	Vac	P Herdson
Medical Superintendent **	\$110 405	Vac	J Houston
Deputy Medical Superintendent**	\$100 760	Vac	J Hodge
Mental Health Senior Specialist **	\$140 730	Vac	S Rosenman
Nursing Services Executive Director	\$ 71 623	K Hogan	K Hogan
Public Health Officer	\$ 87 956	D Zonta	D Zonta

\*\* salary rates include allowances specific to the classification.

**Statutory Office**

Commissioner* Health Complaints	\$70 082	N/A	K Paterson
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\*excluded from the initial CED review - refer Question (1) (a).

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
<b>Calvary Hospital</b>			
SES Band 2*	\$87 325	P Dyer	P Dyer
SES Band 1*	\$70 738	T Sanders	T Sanders
<b>Additional position created after CED report:-</b>			
SES Band 3	\$105 494	A Hughes	A Hughes
<b>DEPARTMENT OF BUSINESS, THE ARTS, SPORT AND TOURISM</b>			
Chief Executive	\$119 052	J Townsend	J Townsend
SES Band 2*	\$87 325	Vac	G Tomlins
Business, Employment and Tourism			
SES Band 2	\$87 325	Vac	W Dickson
Industrial Relations			
SES Band 2	\$87 325	Vac	J Woodrow
Industry, Policy and Regulatory Reform			
SES Band 1	\$70 738	V Aleksandric	V Aleksandric
Employment and Industrial Relations			
SES Band 1*	\$70 738	Vac	Vac
Business Development and Marketing			
SES Band 1	\$70 738	W Dickson	R Sue See
Canberra Tourism			
SES Band 2	\$87 325	Vac	D Marshall
ACT Tourism Commission			
SES Band 1*	\$70 738	Vac	Vac
Economic Development			
SES Band 1*	\$70 738	Vac	Vac
Land Development			
SES Band 1	\$70 738	H Sommer	H Sommer
Operations, Totalcare Industries			
SES Band 1	\$70 738	Vac	C Glenn
Sport and Recreation			
SES Band 1*	\$70 738	Vac	Vac
Arts and Heritage			
SES Band 1	\$70 738	H Elvin	H Elvin
Canberra Theatre Trust			
SES Band 1	\$70 738	D Lawrance	D Lawrance
Sport, Recreation and Racing			
SES Band 1 (equiv.)	\$70 738	Vacant	M Owens

\*excluded from the initial CED review - refer Question (1) (a).

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Office	Salary	Substantive Occupant	Actual Occupant
<b>Statutory Office</b>			
Totalcare Industries General Manager*		N/A	D Sly
ACT TAB Chief Executive Officer*		N/A	R Smeed
<b>DEPARTMENT OF URBAN SERVICES</b>			
Chief Executive Strategy and Business	\$119 052	J Turner	J Turner
SES Band 2 Strategy and Policy	\$87 325	K Horsham	L Webb
SES Band 1 Business Services	\$70 738	Vac	G Beauchamp
SES Band 1 Works and Commercial Services	\$70 738	R Gowing	R Gowing
SES Band 2 Commercial Services	\$87 325	B Dockrill	B Dockrill
SES Band 1 Construction and Maintenance Management Services	\$70 738	M Sullivan	J Mills
SES Band 1 Policy and Programming	\$70 738	Vac	M Sullivan
SES Band 1 Information Technology	\$70 738	R Templar	R Templar
SES Band 1 City Services	\$70 738	P Bell	S Galbory
SES Band 2 Roads and Transport	\$87 325	R Read	R Read
SES Band 1 City Operations	\$70 738	G Davidson	G Davidson
SES Band 1 Transport Projects	\$70 738	A Pegrum	Vac
SES Band 1 Information and Services	\$70 738	P Mylrea	P Mylrea
SES Band 1 ACTION	\$70 738	Vac	D Banks
SES Band 2	\$87 325	J Flutter	J Flutter
SES Band 1	\$70 738	Vac	A Eggins
Housing Bureau SES Band 2*	\$87 325	Vac	Vac
SES Band 2	\$87 325	P Guild	P Guild
Housing Services SES Band 1	\$70 738	S Birtles	S Birtles
Property and Resources SES Band 1	\$70 738	K Bone	K Bone

\*excluded from the initial CED review - refer Question (1) (a).

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
Emergency Services Bureau			
SES Band 1	\$70 738	M Castle	M Castle
Land			
SES Band 2	\$87 325	M Ford	K Horsham
Lease Administration			
SES Band 1	\$70 738	J Thwaite	J Meyer
SES Band 2*	\$87 325	G Bellchambers	G Bellchambers
Land Supply			
SES Band 1	\$70 738	Vac	J Thwaite
Environment			
SES Band 2	\$87 325	L Webb	A Nicolson
Office of the Environment			
SES Band 1	\$70 738	Vac	M Jamieson
Parks and Conservation			
SES Band 1	\$70 738	A Nicolson	Vac
Land Supply Office			
SES Band 1*	\$70 738	Vac	Vac
ACT Forests			
SES Band 1*	\$70 738	Vac	Vac
ACT Forests			
SES Band 1* (equiv)	\$70 738	N/A	G McKenzie-Smith

**Statutory Office**

Fire Commissioner*	\$78 055	N/A	J Dance
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**ATTORNEY GENERAL'S DEPARTMENT**

Chief Executive	\$119 052	C Hunt	C Hunt
ACT Parliamentary Counsel			
SES Band 2	\$87 325	D Hunt	D Hunt
SES Band 1	\$70 738	J Clifford	J Clifford
SES Band 1	\$70 738	N Leslie	N Leslie
Government Solicitor's Office			
SES Band 2	\$87 325	M Peedom	M Peedom
SES Band 1	\$70 738	P Walker	P Walker
SES Band 1	\$70 738	A O'Neil	A O'Neil
Administrative Law and Justice			
SES Band 1	\$70 738	G Cashman	G Cashman
Constitutional and Law Reform			
SES Band 1	\$70 738	L Sorbello	L Sorbello
Public Trustee Office			
SES Band 1	\$62 995	Vac	D Gillespie

\*excluded from the initial CED review - refer Question (1) (a).

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Office	Salary	Substantive Occupant	Actual Occupant
Magistrates Court SES Band 1	\$62 995	P Thompson	P Thompson
Supreme Court SES Band 1	\$70 738	A Towill	A Towill
<b>Office of the Director of Public Prosecutions</b>			
SES Band 3	\$105 494	Vac	Vac
SES Band 1	\$70 738	K Hemenstall	K Hemenstall
SES Band 1*	\$70 738	Vac	Vac
SES Band 1*	\$70 738	Vac	Vac
SES Band 1	\$70 738	S Madden	S Madden
SES Band 1	\$70 738	K Whitcombe	K Whitcombe
<b>ACT Planning Office</b>			
Chief Planner (stat.)	\$95 138	G Tomlins	A Pegrum
District Planning SES Band 1	\$70 738	Vac	G Calnan
Strategic Planning SES Band 1*	\$70 738	Vac	R Grose
<b>Statutory Office</b>			
Community Advocate's Office Community Advocate*	\$70 082	N/A	H MacGregor
ACT Electoral Commission Commissioner*	\$70 082	N/A	P Green
Office of the Director of Public Prosecutions Director*	\$167 101	N/A	T Buddin
Legal Aid Office CEO*	\$87 328	N/A	C Staniforth
Asst. Executive Off*.	\$70 082	N/A	L Crebbin
Public Defender*	\$70 738	N/A	T O'Donnell
<b>DEPARTMENT OF EDUCATION AND TRAINING</b>			
Chief Executive	\$119 052	C Vardon	C Vardon
Deputy Secretary SES Band 2	\$87 325	F Hinton	F Hinton
Schools SES Band 1	\$70 738	A Hird	A Hird
Budget and Facilities SES Band 1	\$70 738	T Wheeler	T Wheeler

excluded from the initial CED review - refer Question (1) (a)

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
Vocational Training SES Band 1	\$70 738	P Gordon	P Gordon
Human Resources SES Band 1	\$70 738	Vac	S Lambert
Children's and Youth Services SES Band 1	\$70 738	V Busteed	J Farrelly
Family Services SES Band 1	\$70 738	C Healy	C Healy
<b>SES Equivalent</b>			
Human Resources Director*	\$72 574	Vac	Vac
Belconnen Director of Schools Woden/Weston	\$72 574	B Dooley	B Dooley
Director of Schools Tuggeranong	\$72 574	L Sheargold	L Sheargold
Director of Schools Black Mt.	\$72 574	D Southern	M Boyle
Director of Schools International Education and Corporate Development	\$72 574	N Hargreaves	N Hargreaves
Director of Schools	\$72 574	Vac	D Southern
<b>Canberra Institute of Technology</b>			
Director (stat. office) Academic	\$108 008	N Fisher	N Fisher
SES Band 2 Corporate Services	\$87 325	D Blackmur	D Blackmur
SES Band 1 Client Services	\$70 738	Vac	S Chapman
SES Band 1 Education Services	\$70 738	M Kinsman	M Kinsman
SES Band 1*	\$70 738	Vac	Vac
<b>Head of Faculty</b>			
Management and Business Teacher Level 3	\$65 864	S Chapman	S Chapman
Applied Science Teacher Level 3	\$65 864	A O'Leary	A O'Leary
Engineering and Construction Teacher Level 3	\$65 864	R Rose	R Rose
Communication and Community Services Teacher Level 3	\$65 864	D Arkle	D Arkle

\*excluded from the initial CED review - refer Question (1) (a).

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(f) *which officers at the SES level were unattached.*

**Chief Minister's Department**

C Eccles - SES Band 1

**Department of Business, the Arts, Sport and Tourism**

R Smeed - SES Band 1

**Department of Education and Training**

M Sawatzki - SES Band 2

D Francis - SES Band 1

(2) *Could a copy of the Cullen Egan and Dell Report be provided to each Member of the Assembly*

A copy of the Report is available to interested Members who can obtain a copy by contacting Simon Latimer in my office.

(3) *What was the total cost of the Cullen Egan and Dell Report, namely:*

(a) *the amount paid to the consultants;*

The cost of the initial CED review was \$164 000. CED has also undertaken some additional work at agency request.

(b) *the cost of SES involvement in the report, including;*

(i) *time spent by SES officers at interviews; and*

(ii) *time spent by SES officers completing survey forms.*

It is not possible to respond with any detail as records were not kept. The amount of time by individual officers varied. However, it would seem feasible that the completion of the questionnaire took about 2 hours and the interview about one hour. In some cases there were short follow-up interviews. Chief Executives were provided with the opportunity to comment on proposed outcomes.

(4) *As at 1 June 1996 in relation to the ACT Public Service:*

(a) *how many SES/Executive Officer positions existed in each agency;*

(b) *what was the salary attached to each of these SES/Executive Officer positions;*

(c) *which officers occupied the positions at both actual and substantive levels;*

(d) which officers were unattached;

The number of SES transitional staff by agency who remain unplaced are:-

Agency	Number of Staff
Auditor General's Office	Nil
Chief Minister' s Department	4
Department of Health and Community Care	staffing process not finalised
Department of Business, the Arts, Sport and Tourism	staffing process not finalised
Department of Urban Services	Nil
Attorney General's Department	staffing process not finalised
Department of Education and Training	1
Canberra Institute of Technology	Nil

(e) which positions were filled without advertising and/or interview;

(f) which officers were appointed to SES/Executive Officer positions without interview;

(g) which positions, if any, are yet to be permanently filled; and

(h) if positions are yet to be permanently filled, in which Agencies are each of these positions.

In relation to question (4) (a) to (c) and (4) (e) to (h), the following information is provided:-

Office	Salary	Occupant Placement	Direct Interview	Advertised/ Years	Term in
<b>Office of the Auditor General</b>					
Asst. Auditor General	\$ 84 000	P Hade	X		5
<b>Chief Minister's Department</b>					
Chief Executive Information and Corporate	\$170 000	J Walker	X		5
Senior Director Information Technology Review	\$105 000	P Sadler	X		5
Director Cabinet and Policy Co-ordination Office	\$ 92 000	D Farrell		X	5
Executive Director Government	\$113 000	A Pegrum		X	5
Director Strategic Planning	\$ 92 000	R Walsh	X		5
Director		M Ford		to be finalised	



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Office	Salary	Occupant Placement	Direct Interview	Advertised/ Years	Term in
Office of Public Administration and Management					
Executive Director	\$113 000	L Webb		X	5
Industrial Relations and Executive Management					
Director	\$ 92 000	P Rayner	X		5
Performance Improvement					
Director	\$ 76 000	M Ockwell		X	5
Office of Financial Management					
Executive Director	\$145 000	M Lilley		X	5
Financial and Budgetary Management					
Executive Director	\$105 000	G Ellis		X	5
Deputy Under Treasurer	\$ 92 000	N Morgan	X		2
Economics					
Director	\$ 92 000	Vacant		X	
Financial Management Unit					
Director	\$ 84 000	Vacant		X	
Commissioner, Revenue Office					
Director	\$ 84 000	Vacant		X	
<b>Department of Health and Community Care</b>					
Chief Executive	\$137 000	D Butt		X	5
Population Health					
Executive Director	\$105 000	D Zonta	X		5
Financial Management and Contracting					
Executive Director	\$105 000	G LeeKoo		X	5
Health Outcomes Policy and Planning					
Executive Director	\$105 000	P Gregory		X	5
Business Support Services					
General Manager	\$ 92 000	Vacant		X	
<b>Community Services</b>					
Chief Executive Officer	\$132 000	M Szwarcbord	X		5
Community Services					
Executive Director	\$ 92 000	T Findlay		X	5
Business Management					
Executive Director	\$ 92 000	R Cusack		X	5

Office	Salary	Occupant Placement	Direct	Interviews Years	Term in
<b>Canberra Hospital</b>					
Chief Executive	\$137 000	A Hughes	X	to be finalised	
General Manager	\$113 000	Vacant		X	
Senior Medical Executive	\$113 000	Vacant		X	
Senior Nursing Executive	\$ 92 000	Vacant		X	
Director Finance	\$ 84 000	Vacant		X	
<b>Department of Business, the Arts, Sport and Tourism</b>					
Chief Executive	\$132 000	M Baker		X	5
Canberra Theatre Trust					
General Manager	\$ 92 000	D Lawrance	X	to be finalised	
Sport, Recreation and Racing					
General Manager	\$ 92 000	Vacant		X	
Canberra Tourism					
Chief Executive Officer	\$ 84 000	Vacant		X	
Bureau of Arts and Heritage					
General Manager	\$ 76 000	H Elvin		to be finalised	
Operations Branch, Totalcare Industries					
General Manager	\$ 76 000	Vacant			
Finance and Corporate Services					
General Manager	\$ 92 000	Vacant		X	
Business Development and Marketing					
General Manager	\$ 84 000	Vacant		X	
Business Policy					
General Manager	\$ 76 000	Vacant		X	
Land Development					
Assistant Secretary	\$ 76 000	H Sommer		to be finalised	
<b>Department of Urban Services</b>					
Chief Executive	\$161 000	J Turner		X	5
Works and Commercial Services					
Executive Director	\$113 000	B Dockrill	X		5
Commercial Services					
Director	\$ 84 000	M Wright		X	5
Construction and Maintenance					
Director	\$ 92 000	M Sullivan		X	5
Policy and Programming					
Director	\$ 76 000	Vacant		X	
City Services					
Executive Director	\$113 000	R Read	X		5

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Office	Salary	Occupant Placement	Direct	Interviews Years	Term in
Roads and Transport					
Director	\$ 84 000	J Wolfe		X	5
City Operations					
Director	\$ 92 000	G Davidson		X	5
Services and Information					
Director	\$ 84 000	Vacant		X	
ACTION					
Executive Director	\$113 000	J Flutter	X		5
Deputy Director	\$ 92 000	A Eggins		X	5
ACT Housing Services					
Executive Director	\$113 000	P Guild	X		5
Housing Services					
Director	\$ 92 000	S Birtles		X	5
Business Management					
Director	\$ 84 000	K Bone		X	5
Planning and Land Management					
Executive Director	\$113 000	G Prattley		X	5
Parks and Conservation					
Director	\$ 84 000	C Adrian		X	5
Metropolitan Planning, Land Supply and Policy					
Director	\$ 84 000	B Norman		X	5
Development and Building Control					
Director	\$ 76 000	J Thwaite		X	5
District Planning					
Director	\$ 76 000	vacant			
Business and Strategy					
Executive Director	\$113 000	K Horsham	X		5
Energy and Environment Policy					
Director	\$ 76 000	G Beauchamp	X	5	
Business Services					
Director	\$ 76 000	G Burgess		X	5
Environment, Regulation and Co-ordination					
Director	\$ 76 000	P Burnett		X	5
Emergency Services Bureau					
Director	\$105 000	M Castle		X	5

**Attorney General's Department** (further restructuring not completed)

Chief Executive	\$145 000	T Keady		X	5
Government Solicitor's Office					
Chief Solicitor	\$113 000	Vacant		X	
Government Solicitor's Office					
Deputy Chief Solicitor	\$ 84 000	Vacant		X	
Government Solicitor's Office					
Counsel	\$ 84 000	Vacant		X	

Office	Salary	Occupant Placement	Direct	Interviews Years	Term in
Parliamentary Counsel's Office					
Parliamentary Counsel	\$145 000	Vacant		X	
Policy					
Director	\$145 000	Vacant		X	
Public Trustee's Office					
Registrar - General	\$ 76 000	Vacant		X	
Magistrates Court					
Registrar	\$ 84 000	Vacant		X	
Supreme Court					
Registrar	\$ 76 000	Vacant		X	
<b>Office of the Director of Public Prosecutions</b>					
Deputy Director	\$113 000	Vacant			
Public Prosecutor	\$ 84 000	Vacant			
Public Prosecutor	\$ 84 000	Vacant			
Assistant Director	\$ 76 000	Vacant			
<b>Department of Education and Training</b>					
Chief Executive	\$153 000	F Hinton (temp.)X			6 mth
Chief Executive	\$153 000	C Vardon		X	5
Education, Training and Corporate Services					
Executive Director	\$132.000	V Busted (temp.)X			5 mth
Executive Director	\$132 000	F Hinton		X	5
Children's, Youth and Family Services					
Executive Director	\$105 000	M White		X	5
Budget and Facilities					
Executive Director	\$105 000	T Wheeler		X	5
School's Program					
Director	\$ 92 000	A Hird		X	5
Family Services					
Director	\$ 84 000	C Healy	X		5
Children's Services					
Director	\$ 76 000	J Farrelly		X	5
Vocational Education					
Director	\$ 84 000	P Gordon	X		5
Human Resources					
Director	\$ 76 000	Vacant		X	
Schools and Quality Assurance					
Director	\$ 76 000	Vacant		X	
Schools and International Education					
Director	\$ 76 000	Vacant		X	

Office	Salary	Occupant Placement	Direct Interviews	Term in Years
<b>Canberra Institute of Technology</b>				
Director Academic	\$132 000	Vacant	N Fisher statutory appt.	
Deputy Director Business and International Services	\$113 000	D Blackmur	Vacant	
Associate Director Corporate Services	\$ 76 000	M Kinsman	Vacant	
General Manager	\$ 76 000	W Dickson	Vacant	

Under the provisions of the *Public Sector Management (Amendment) Act 1995*, all Executive offices may be filled on a contract basis for a maximum period of five years. Temporary vacancies during periods of leave, etc. are covered by the use of temporary contracts.

- (5) *When will each of the contracts for each of the SES/Executive Officer positions in the ACT Public Service be tabled in the Assembly.*

In accordance with the requirements of the *Public Sector Management Act 1995*, contracts are to be tabled within six sitting days of the contract being made. It is expected that many of the contracts will be tabled in August.

- (6) *How long is the contract term for each of the SES/Executive Officer positions in the ACT public Service and, of these positions:*

The length of the contract term is included in the table at Question 4 above.

- (a) *how long before each of these positions are filled permanently or on contract;*

It is expected that, with the exception of Attorney General's Department, offers of contract employment will have been made for all offices by the end of August 1996. Attorney General's Department advertised their three senior Executive offices on 6 July 1996. Advertisement of other vacancies will occur subsequent to the filling of those offices.

- (b) *how many SES/Executive Officers have accepted redundancy packages and at what level were they employed at;*

- (c) *which agency did the officer accepting a redundancy package work for;*

- (d) *what was the cost of each redundancy package;*

- (e) *what was the length of service of each SES officer who took a voluntary redundancy package.*

It is considered inappropriate for this personal information to be provided. Instead, I have included the total amount paid as a special benefit by each agency.

Information sought in relation to question (6) (b) to (e) is set out below:-

Agency	Number Retiring With Special Benefit		Total Amount Paid
	<u>Chief Executive</u>	<u>SES</u>	
Auditor General's Office	Nil	Nil	
Chief Minister's	2	5	\$489 241
Health and Community Care	1	Staffing not finalised	\$102 696
Business, the Arts, Sport and Tourism 1	Staffing not	\$95 850 finalised	
Urban Services	Nil	2	\$210 111
Attorney General's Office of the Director of Public Prosecutions		Staffing not finalised Staffing not finalised	
Education and Training		1	\$55 369
Canberra Institute of Technology		Nil	

- (7) *What are the names of the officers (a) who were appointed to SES/Executive Officer positions from outside the ACT Public Service; and (b) in each case, who was the officer's immediate past employer.*

Name	Agency	Immediate Previous Employer
Mark Baker	Department of Business, the Arts, Sport and Tourism	Advance Bank, Canberra
Gregory Burgess	Department of Urban services	Cth.Dept. of Admin. Services
David Butt	Department of Health	Qld. Health Department
Robert Cusack	Department of Health	Royal Prince Alfred Hospital
Geoff Ellis	Office of Financial Management, Chief Minister's Department	Landcom, NSW Dept. of Urban Affairs and Planning
Tim Keady	Attorney General's Department	NSW Ministry of Police
Gordon LeeKoo	Department of Health	Qld Health Department
Mick Lilley	Office of Financial Management, Chief Minister's Department	NSW Dept. of Works and Services
Barbara Norman	Department of Urban Services	Consultant, Canberra
Michael Ockwell	Office of Public Administration and Management, Chief Minister's Dept	NSW Dept. of Land and Conservation

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<b>Name</b>	<b>Agency</b>	<b>Immediate Previous Employer</b>
Michael Szwarcbord	Department of Health	NSW Dept. of Community Serv.
John Walker	Chief Minister's	NSW Dept. of Transport
Michael Wright	Department of Urban Services	Cth.Dept. of Admin. Services
Michael White	Department of Education and Training	Dept. of Community Health Services, Tasmania
Jane Wolfe	Department of Urban Services	Cth.Aust. Govt. Survey Office

(8) *In relation to SES Officers in the ACT Public Service who have not been offered Executive Officer contracts within the ACT Public Service, (a) what services are being provided to relocate them; (b) retrain them; and (c) at what cost.*

(9) *What are you doing to fulfil your commitment that unplaced SES officers would be offered jobs within the ACT public Service at the SOG B or SOG A level.*

The legislation provides four options. (i) direct placement (ii) successful application following advertisement (iii) retirement with special benefit and (iv) transfer to an office

Co-ordination mechanisms are available through the Office of Public Administration and Management whereby counselling programs are made known to other agencies. Financial assistance is available for the counselling process and amounts of up to \$300 are made available for assistance for the preparation of contracts. There is additional counselling available particularly if individuals choose to opt for retirement with special benefit. Career transitional counselling assistance is also available.

These amounts vary on a case by case basis but could be in the order of about \$2 000.

(10) *What commitment are you prepared to give that no further restructuring of the SES will occur over the next 12 months.*

The Government recognises the level of restructuring which has occurred over the last 12 months particularly the redesign and resizing at Executive levels. The bulk of this redesign work is now completed. It is not expected that there will be significant further changes. This does not mean of course, that refinements will not continue to occur or that changes may be necessary arising from new policy initiatives from time to time.

**Supplementary table showing status of Executive offices as at 20 August 1996**

<b>Office</b>	<b>Salary</b>	<b>Occupant</b>
<b>Office of the Auditor General</b>		
Asst. Auditor General	\$ 84 000	P Hade
<b>Chief Minister's Department</b>		
Chief Executive Information and Corporate Senior Director	\$170 000	J Walker
Information Technology Review Director	\$105 000	P Sadler
Cabinet and Policy Co-ordination Office Executive Director	\$ 92 000	D Farrell
Government Director	\$113 000	A Pegrum
Strategic Planning Director	\$ 92 000	R Walsh
	\$105 000	M Ford
Office of Public Administration and Management		
Executive Director	\$113 000	L Webb
Industrial Relations and Executive Management Director	\$ 92 000	P Rayner
Performance Improvement Director	\$ 76 000	M Ockwell
Office of Financial Management		
Executive Director	\$145 000	M Lilley
Financial and Budgetary Management Executive Director	\$105 000	G Ellis
Financial Management Unit Director	\$ 84 000	G Harper
Deputy Under Treasurer	\$ 92 000	N Morgan
Economics Director	\$ 92 000	Vacant
Commissioner, Revenue Office Director	\$ 84 000	T Pham



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Office	Salary	Occupant
<b>Department of Health and Community Care</b>		
Chief Executive Population Health	\$137 000	D Butt
Executive Director Financial Management and Contracting	\$105 000	D Zonta
Executive Director Health Outcomes Policy and Planning	\$105 000	G LeeKoo
Executive Director Business Support Services	\$105 000	P Gregory
General Manager	\$ 92 000	Vacant
<b>Community Services</b>		
Chief Executive Officer Community Services	\$132 000	M Szwarcbord
Executive Director Business Management	\$ 92 000	T Findlay
Executive Director	\$ 92 000	R Cusack
<b>Canberra Hospital</b>		
Chief Executive	\$137 000	A Hughes
General Manager	\$113 000	Vacant
Senior Medical Executive	\$113 000	Vacant
Senior Nursing Executive	\$ 92 000	Vacant
Director Finance	\$ 84 000	Vacant
<b>Department of Business, the Arts, Sport and Tourism</b>		
Chief Executive	\$1	
32 000 Baker	M	
Canberra Theatre Trust General Manager	\$ 92 000	D Lawrance
Sport, Recreation and Racing General Manager	\$	
92 000	Va	
cant Canberra Tourism Chief Executive Officer	\$	
84 000	Va	
cant Bureau of Arts and Heritage General Manager	\$	
76 000 Elvin	H	
Finance and Corporate Services General Manager	\$	
92 000	Va	
cant Business Development and Marketing General Manager	\$	
84 000	Va	
cant		
<b>Office</b>	<b>Salary</b>	<b>Occupant</b>

Business Policy General Manager	\$ 76 000	Vacant
Land Development Assistant Secretary	\$ 76 000	H Sommer
<b>Department of Urban Services</b>		
Chief Executive	\$161 000	J Turner
Works and Commercial Services Executive Director	\$113 000	B Dockrill
Commercial Service Director	\$ 84 000	M Wright
Construction and Maintenance Director	\$ 92 000	M Sullivan
Policy and Programming Director	\$ 76 000	Vacant
City Services Executive Director	\$113 000	R Read
Roads and Transport Director	\$ 84 000	J Wolfe
City Operations Director	\$ 92 000	G Davidson
Services and Information Director	\$ 84 000	B Forner
ACTION Executive Director	\$113 000	J Flutter
Deputy Director	\$ 92 000	A Eggins
ACT Housing Services Executive Director	\$113 000	P Guild
Housing Services Director	\$ 92 000	S Birtles
Business Management Director	\$ 84 000	K Bone
Planning and Land Management Executive Director	\$113 000	G Prattley
Parks and Conservation Director	\$ 84 000	C Adrian
Metropolitan Planning, Land Supply and Policy Director	\$ 84 000	B Norman
Development and Building Control Director	\$ 76 000	J Thwaite
District Planning Director	\$76 000	vacant
Business and Strategy Executive Director	\$113 000	K Horsham
Energy and Environment Policy Director	\$ 76 000	G Beauchamp
<b>Office</b>	<b>Salary</b>	<b>Occupant</b>

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<b>Office</b>	<b>Salary</b>	<b>Occupant</b>
School's Program Director	\$ 92 000	A Hird
Family Services Director	\$ 84 000	C Healy
Children's Services Director	\$ 76 000	J Farrelly
Vocational Education Director	\$ 84 000	P Gordon
Human Resources Director	\$ 76 000	S Lambert
Schools and Quality Assurance Director	\$ 76 000	G Cullen
Schools and International Education Director	\$ 76 000	N Hargreaves
<b>Canberra Institute of Technology</b>		
Director Academic	\$132 000	N Fisher statutory appt.
Deputy Director Business and International Services	\$113 000	Vacant
Associate Director Corporate Services	\$ 76 000	Vacant
General Manager	\$ 76 000	Vacant

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Questions Nos. 272, 273 and 274**

**Public Service - Senior Executive Service**

**MR WHITECROSS** - To ask the following Ministers:

- \*272 Deputy Chief Minister-
- \*273 Attorney General-
- \*274 Minister for Education and Training-

In relation to the Cullen Egan and Dell Report and for each and every Ministerial portfolio held by you-

- (1) Prior to the release of the Cullen Egan and Dell Report -
  - (a) how many SES jobs were there in each Agency;
  - (b) what level were the SES positions in each agency;
  - (c) what salary were each of these SES positions paid;
  - (d) which officers occupied these positions at both actual and substantive levels; and
  - (e) which officers at the SES level were unattached.
- (2) What was the total cost for the involvement of SES officers in the report, including: (a) time spent by SES officers at interviews; and (b) time spent by SES officers completing survey forms.
- (3) As at 1 June 1996:
  - (a) how many SES/Executive Officer positions existed in each agency;
  - (b) what was the salary attached to each of these SES/Executive Officer positions;
  - (c) which officers occupied the positions at both actual and substantive levels;
  - (d) which officers were unattached;
  - (e) which positions were filled without advertising and/or interview;
  - (f) which officers were appointed to SES/Executive Officer positions without interview;
  - (g) which positions, if any, are yet to be permanently filled; and
  - (h) if positions are yet to be permanently filled, in which Agencies are each of these positions.

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- (4) How long is the contract term for each of the SES/Executive Officer positions in each of the Agencies and:
- (a) how long before each of these positions are filled permanently or on contract;
  - (b) how many SES/Executive Officers have accepted redundancy packages and at what level were they employed at;
  - (c) which agency did the officer accepting a redundancy package work for;
  - (d) what was the cost of each redundancy package;
  - (e) what was the length of service of each SES Executive Officer who took a voluntary redundancy package;
- (5) What are the names of the officers (a) who were appointed to SES/Executive Officer positions from outside the ACT Public Service; and (b) in each case, who was the officer's immediate past employer.
- (6) In relation to SES Officers who have not been offered SES/Executive Officer contracts within the ACT Public Service, what services are being provided to (a) relocate; (b) retrain them; and (c) at what cost.
- (7) How many unplaced SES/Executive Officers have been offered jobs within the ACT Public Service at the (a) SOG B level; or (b) SOG A Level.

**Deputy Chief Minister  
Attorney General  
Minister for Education and Training**

The answer to Mr Whitecross' questions 272, 273 and 274 is as follows:

*In relation to the Cullen Egan and Dell Report and for each and every Ministerial portfolio held by you-*

(1) *Prior to the release of the Cullen Egan and Dell Report -*

(a) *how many SES jobs were there in each Agency;*

<b>Name of Agency</b>	<b>CE</b>	<b>SES</b>	<b>Statutory</b>	<b>SES Equiv.</b>	<b>Total</b>
Business, the Arts, Sport and Tourism	1	15	2	-	18
Department of Urban Services	1	30	1	-	32
Attorney General's Department	1	19	7	-	27
Department of Education and Training	1	7	-	6	14
Canberra Institute of Technology		4	1	4*	9
<u>Totals</u>	<u>4</u>	<u>75</u>	<u>11</u>	<u>10</u>	<u>100</u>

\* includes 4 Head of Faculty positions not previously included in the SES profile.

(b) what level were the SES positions in each agency;

(c) what salary were each of these SES positions paid;

(d) which officers occupied these positions at both actual and substantive levels; and

In response to your question (1) (b) to (d), I provide the following information. In considering the salary levels in relation to question (c) for comparison purposes with the new Executive levels, you should add superannuation and employer provided benefits including performance bonus payments.

In addition to the initial review by CED, further reviews were initiated by individual agencies. Additional offices resulting from those reviews appear at the end of each agency.

Office	Salary	Substantive Occupant	Actual Occupant
<b>DEPARTMENT OF BUSINESS, THE ARTS, SPORT AND TOURISM</b>			
Chief Executive	\$119 052	J Townsend	J Townsend
SES Band 2*	\$87 325	Vacant	G Tomlins
Business, Employment and Tourism			
SES Band 2	\$87 325	Vacant	W Dickson
Industrial Relations			
SES Band 2	\$87 325	Vacant	J Woodrow
Industry, Policy and Regulatory Reform			
SES Band 1	\$70 738	V Aleksandric	V Aleksandric
Employment and Industrial Relations			
SES Band 1*	\$70 738	Vacant	Vacant
Business Development and Marketing			
SES Band 1	\$70 738	W Dickson	R Sue See
Canberra Tourism			
SES Band 2	\$87 325	Vacant	D Marshall
ACT Tourism Commission			
SES Band 1*	\$70 738	Vacant	Vacant
Economic Development			
SES Band 1*	\$70 738	Vacant	Vacant
Land Development			
SES Band 1	\$70 738	H Sommer	H Sommer
Operations, Totalcare Industries			
SES Band 1	\$70 738	Vacant	C Glenn
Sport and Recreation			
SES Band 1*	\$70 738	Vacant	Vacant
Arts and Heritage			
SES Band 1	\$70 738	H Elvin	H Elvin
Canberra Theatre Trust			
SES Band 1	\$70 738	D Lawrance	D Lawrance
Sport, Recreation and Racing			
SES Band 1 (equiv.)	\$70 738	Vacant	M Owens
* excluded from the initial CED review			

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Office	Salary	Substantive Occupant	Actual Occupant
<b>Statutory Office</b>			
Totalcare Industries General Manager* ACT TAB		N/A	D Sly
Chief Executive Officer*		N/A	R Smeed
<b>DEPARTMENT OF URBAN SERVICES</b>			
Chief Executive Strategy and Business	\$119 052	J Turner	J Turner
SES Band 2 Strategy and Policy	\$87 325	K Horsham	L Webb
SES Band 1 Business Services	\$70 738	Vac	G Beauchamp
SES Band 1 Works and Commercial Services	\$70 738	R Gowing	R Gowing
SES Band 2 Commercial Services	\$87 325	B Dockrill	B Dockrill
SES Band 1 Construction and Maintenance Management Services	\$70 738	M Sullivan	J Mills
SES Band 1 Policy and Programming	\$70 738	Vac	M Sullivan
SES Band 1 Information Technology	\$70 738	R Templar	R Templar
SES Band 1 City Services	\$70 738	P Bell	S Galbory
SES Band 2 Roads and Transport	\$87 325	R Read	R Read
SES Band 1 City Operations	\$70 738	G Davidson	G Davidson
SES Band 1 Transport Projects	\$70 738	A Pegrum	Vac
SES Band 1 Information and Services	\$70 738	P Mylrea	P Mylrea
SES Band 1 ACTION	\$70 738	Vac	D Banks
SES Band 2	\$87 325	J Flutter	J Flutter
SES Band 1	\$70 738	Vac	A Eggins
Housing Bureau			
SES Band 2	\$87 325	Vac	Vac
SES Band 2	\$87 325	P Guild	P Guild
Housing Services			
SES Band 1	\$70 738	S Birtles	S Birtles
Property and Resources			
SES Band 1		K Bone	K Bone

\*excluded from the initial CED review

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
Emergency Services Bureau			
SES Band 1	\$70 738	M Castle	M Castle
Land			
SES Band 2	\$87 325	M Ford	K Horsham
Lease Administration			
SES Band 1	\$70 738	J Thwaite	J Meyer
SES Band 2*	\$87 325	G Bellchambers	G Bellchambers
Land Supply			
SES Band 1	\$70 738	Vac	J Thwaite
Environment			
SES Band 2	\$87 325	L Webb	A Nicolson
Office of the Environment			
SES Band 1	\$70 738	Vac	M Jamieson
Parks and Conservation			
SES Band 1	\$70 738	A Nicolson	Vac
Land Supply Office			
SES Band 1*	\$70 738	Vac	Vac
ACT Forests			
SES Band 1*	\$70 738	Vac	Vac
ACT Forests			
SES Band 1* (equiv)	\$70 738	N/A	G McKenzie-Smith

**Statutory Office**

Fire Commissioner*	\$78 055	N/A	J Dance
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**ATTORNEY GENERAL'S DEPARTMENT**

Chief Executive	\$119 052	C Hunt	C Hunt
ACT Parliamentary Counsel			
SES Band 2	\$87 325	D Hunt	D Hunt
SES Band 1	\$70 738	J Clifford	J Clifford
SES Band 1	\$70 738	N Leslie	N Leslie
Government Solicitor's Office			
SES Band 2	\$87 325	M Peedom	M Peedom
SES Band 1	\$70 738	P Walker	P Walker
SES Band 1	\$70 738	A O'Neil	A O'Neil
Administrative Law and Justice			
SES Band 1	\$70 738	G Cashman	G Cashman
Constitutional and Law Reform			
SES Band 1	\$70 738	L Sorbello	L Sorbello
Public Trustee Office			
SES Band 1	\$62 995	Vac	D Gillespie

\* excluded from the initial CED review



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Office	Salary	Substantive Occupant	Actual Occupant
Magistrates Court SES Band 1	\$62 995	P Thompson	P Thompson
Supreme Court SES Band 1	\$70 738	A Towill	A Towill

**Office of the Director of Public Prosecutions**

SES Band 3	\$105 494	Vac	Vac
SES Band 1	\$70 738	K Hemenstall	K Hemenstall
SES Band 1*	\$70 738	Vac	Vac
SES Band 1*	\$70 738	Vac	Vac
SES Band 1	\$70 738	S Madden	S Madden
SES Band 1	\$70 738	K Whitcombe	K Whitcombe

**ACT Planning Office**

Chief Planner (stat.)	\$95 138	G Tomlins	A Pegrum
District Planning SES Band 1	\$70 738	Vac	G Calnan
Strategic Planning SES Band 1*	\$70 738	Vac	R Grose

**Statutory Office**

Community Advocate's Office Community Advocate*	\$70 082	N/A	H MacGregor
ACT Electoral Commission Commissioner*	\$70 082	N/A	P Green
Office of the Director of Public Prosecutions Director*	\$167 101	N/A	T Buddin
Legal Aid Office CEO*	\$87 328	N/A	C Staniforth
Asst. Executive Off*.	\$70 082	N/A	L Crebbin
Public Defender*	\$70 738	N/A	T O'Donnell

**DEPARTMENT OF EDUCATION AND TRAINING**

Chief Executive	\$119 052	C Vardon	C Vardon
Deputy Secretary SES Band 2	\$87 325	F Hinton	F Hinton
Schools SES Band 1	\$70 738	A Hird	A Hird
Budget and Facilities SES Band 1	\$70 738	T Wheeler	T Wheeler

\*excluded from the initial CED review

<b>Office</b>	<b>Salary</b>	<b>Substantive Occupant</b>	<b>Actual Occupant</b>
Vocational Training SES Band 1	\$70 738	P Gordon	P Gordon
Human Resources SES Band 1	\$70 738	Vac	S Lambert
Children's and Youth Services SES Band 1	\$70 738	V Busteed	J Farrelly
Family Services SES Band 1	\$70 738	C Healy	C Healy
<b>SES Equivalent</b>			
Human Resources Director*	\$72 574	Vac	Vac
Belconnen Director of Schools Woden/Weston	\$72 574	B Dooley	B Dooley
Director of Schools Tuggeranong	\$72 574	L Sheargold	L Sheargold
Director of Schools Black Mt.	\$72 574	D Southern	M Boyle
Director of Schools International Education and Corporate Development	\$72 574	N Hargreaves	N Hargreaves
Director of Schools	\$72 574	Vac	D Southern
<b>Canberra Institute of Technology</b>			
Director (stat. office) Academic	\$108 008	N Fisher	N Fisher
SES Band 2 Corporate Services	\$87 325	D Blackmur	D Blackmur
SES Band 1 Client Services	\$70 738	Vac	S Chapman
SES Band 1 Education Services	\$70 738	M Kinsman	M Kinsman
SES Band 1*	\$70 738	Vac	Vac
<b>Head of Faculty - CIT</b>			
Management and Business Teacher Level 3	\$65 864	S Chapman	S Chapman
Applied Science Teacher Level 3	\$65 864	A O'Leary	A O'Leary
Engineering and Construction Teacher Level 3	\$65 864	R Rose	R Rose
Communication and Community Services Teacher Level 3	\$65 864	D Arkle	D Arkle
*excluded from the initial CED review			

(e) which officers at the SES level were unattached.

**Department of Business, the Arts, Sport and Tourism**

R Smeed - SES Band 1

**Department of Education and Training**

M Sawatzki - SES Band 2

D Francis - SES Band 1

- (2) What was the total cost for the involvement of SES officers in the report, including: (a) time spent by SES officers at interviews; and (b) time spent by SES officers completing survey forms.

It is not possible to respond with any detail as records were not kept. The amount of time by individual officers varied. However, it would seem feasible that the completion of the questionnaire took about 2 hours and the interview about one hour. In some cases there were short follow-up interviews. Chief Executives were provided with the opportunity to comment on proposed outcomes.

- (3) As at 1 June 1996:

- (a) how many SES/Executive Officer positions existed in each agency;  
(b) what was the salary attached to each of these SES/Executive Officer positions;  
(c) which officers occupied the positions at both actual and substantive levels;  
(d) which officers were unattached;

The number of SES transitional staff by agency who remain unplaced are:-

<b>Agency</b>	<b>Number of Staff</b>
Department of Business, the Arts, Sport and Tourism	staffing process not finalised
Department of Urban Services	Nil
Attorney General's Department	staffing process not finalised
Department of Education and Training	1
Canberra Institute of Technology	staffing process not finalised

- (e) which positions were filled without advertising and/or interview;  
(f) which officers were appointed to SES/Executive Officer positions without interview;  
(g) which positions, if any, are yet to be permanently filled; and  
(h) if positions are yet to be permanently filled, in which Agencies are each of these positions.

In relation to question (3) (a) to (c) and (4) (e) to (h), the following information is provided:-

Office	Salary	Occupant	Direct Placement	Interviews	Term
<b>Department of Business, the Arts, Sport and Tourism</b>					
Chief Executive Canberra Theatre Trust	\$132 000	M Baker		X	5
General Manager Sport, Recreation and Racing	\$ 92 000	D Lawrance	to be finalised		
General Manager Canberra Tourism	\$ 92 000	Vacant		X	
Chief Executive Officer Bureau of Arts and Heritage	\$ 84 000	Vacant		X	
General Manager Operations Branch, Totalcare Industries	\$ 76 000	H Elvin	to be finalised		
General Manager Finance and Corporate Services	\$ 76 000	Vacant			
General Manager Business Development and Marketing	\$ 92 000	Vacant		X	
General Manager Business Policy	\$ 84 000	Vacant		X	
General Manager Land Development	\$ 76 000	Vacant		X	
Assistant Secretary	\$ 76 000	H Sommer	to be finalised		
<b>Department of Urban Services</b>					
Chief Executive Works and Commercial Services	\$161 000	J Turner		X	5
Executive Director Commercial Services	\$113 000	B Dockrill	X		5
Director Construction and Maintenance	\$ 84 000	M Wright		X	5
Director Policy and Programming	\$ 92 000	M Sullivan		X	5
Director City Services	\$ 76 000	Vacant		X	
Executive Director Roads and Transport	\$113 000	R Read	X		5
Director City Operations	\$ 84 000	J Wolfe		X	5
Director Services and Information	\$ 92 000	G Davidson		X	5
Director ACTION	\$ 84 000	Vacant		X	
Executive Director	\$113 000	J Flutter	X		5
Deputy Director ACT Housing Services	\$ 92 000	A Eggins		X	5

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Office	Salary	Occupant	Direct Placement	Interviews	Term
Executive Director Housing Services	\$113 000	P Guild	X		5
Director Business Management	\$ 92 000	S Birtles		X	5
Director Planning and Land Management	\$ 84 000	K Bone		X	5
Executive Director Parks and Conservation	\$113 000	G Prattley		X	5
Director Metropolitan Planning, Land Supply and Policy	\$ 84 000	C Adrian		X	5
Director Development and Building Control	\$ 84 000	B Norman		X	5
Director District Planning	\$ 76 000	J Thwaite		X	5
Director Business and Strategy	\$ 76 000	vacant			
Executive Director Energy and Environment Policy	\$113 000	K Horsham	X		5
Director Business Services	\$ 76 000	G Beauchamp		X	5
Director Environment, Regulation and Co-ordination	\$ 76 000	G Burgess		X	5
Director Emergency Services Bureau	\$ 76 000	P Burnett		X	5
Director	\$105 000	M Castle		X	5

**Attorney General's Department** (further restructuring not completed)

Chief Executive Government Solicitor's Office	\$145 000	T Keady		X	5
Chief Solicitor Government Solicitor's Office	\$113 000	Vacant		X	
Deputy Chief Solicitor Government Solicitor's Office	\$ 84 000	Vacant		X	
Counsel Parliamentary Counsel's Office	\$ 84 000	Vacant		X	
Parliamentary Counsel Policy	\$145 000	Vacant		X	
Director Public Trustee's Office	\$145 000	Vacant		X	
Registrar - General Magistrates Court	\$ 76 000	Vacant		X	
Registrar Supreme Court	\$ 84 000	Vacant		X	
Registrar	\$ 76 000	Vacant		X	

Office	Salary	Occupant	Direct Placement	Interviews	Term
<b>Office of the Director of Public Prosecutions</b>					
Deputy Director	\$113 000	Vacant			
Public Prosecutor	\$ 84 000	Vacant			
Public Prosecutor	\$ 84 000	Vacant			
Assistant Director	\$ 76 000	Vacant			
<b>Department of Education and Training</b>					
Chief Executive	\$153 000	F Hinton (temp.)X			6 mth
Chief Executive	\$153 000	C Vardon		X	5
Education, Training and Corporate Services					
Executive Director	\$132.000	V Busteed (temp.)X			5 mth
Executive Director	\$132 000	F Hinton		X	
Children's, Youth and Family Services					
Executive Director	\$105 000	M White		X	5
Budget and Facilities					
Executive Director	\$105 000	T Wheeler		X	5
School's Program					
Director	\$ 92 000	A Hird		X	5
Family Services					
Director	\$ 84 000	C Healy	X		5
Children's Services					
Director	\$ 76 000	J Farrelly		X	5
Vocational Education					
Director	\$ 84 000	P Gordon	X		5
Human Resources					
Director	\$ 76 000	Vacant		X	
Schools and Quality Assurance					
Director	\$ 76 000	Vacant		X	
Schools and International Education					
Director	\$ 76 000	Vacant		X	
<b>Canberra Institute of Technology</b>					
Director	\$132 000	Vacant	N Fisher statutory appt.		
Academic					
Deputy Director	\$113 000	D Blackmur	Vacant		
Business and International Services					
Associate Director	\$ 76 000	M Kinsman	Vacant		
Corporate Services					
General Manager	\$ 76 000	W Dickson	Vacant		

Under the provisions of the *Public Sector Management (Amendment) Act 1995*, all Executive offices may be filled on a contract basis for a maximum period of five years. Temporary vacancies during periods of leave, etc. are covered by the use of temporary contracts.

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- (4) *How long is the contract term for each of the SES/Executive Officer positions in each of the Agencies and:*

The length of the contract term is included in the table at Question 3 above.

- (a) *how long before each of these positions are filled permanently or on contract;*

It is expected that, with the exception of Attorney General's Department, offers of contract employment will have been made for all offices by the end of August 1996. Attorney General's Department advertised their three senior Executive offices on 6 July 1996. Advertisement of other vacancies will occur subsequent to the filling of those offices.

- (b) *how many SES/Executive Officers have accepted redundancy packages and at what level were they employed at:*

- (c) *which agency did the officer accepting a redundancy package work for:*

- (d) *what was the cost of each redundancy package;*

- (e) *what was the length of service of each SES Executive Officer who took a voluntary redundancy package;*

It is considered inappropriate for this personal information to be provided. Instead, I have included the total amount paid as a special benefit by each agency.

Information sought in relation to question (4) (b) to (e) is set out below:-

Agency	Number Retiring With Special Benefit		Total Amount Paid
	<u>Chief Executive</u>	<u>SES</u>	
Business, the Arts, Sport and Tourism	1	Staffing not finalised	\$95 850.09
Urban Services	Nil	2	\$210 111 71
Attorney General's Office of the Director of Public Prosecutions		Staffing not finalised Staffing not finalised	
Education and Training		1	
Canberra Institute of Technology		Nil	

- (5) *What are the names of the officers (a) who were appointed to SES/Executive Officer positions from outside the ACT Public Service; and (b) in each case, who was the officer's immediate past employer.*

Mark Baker	Department of Business, the Arts, Sport and Tourism	Advance Bank, Canberra
Gregory Burgess	Department of Urban services	Cth. Dept. of Admin. Services
Robert Cusack	Department of Health	Royal Prince Alfred Hospital
Tim Keady	Attorney General's Department	NSW Ministry of Police
Gordon LeeKoo	Department of Health	Qld Health Department
Barbara Norman	Department of Urban Services	Consultant, Canberra
Michael Szwarcbord	Department of Health	NSW Dept. of Community Serv.
Michael White	Department of Education and Training	Dept. of Community Health
Jane Wolfe	Department of Urban Services	Cth. Aust. Govt. Survey Office
Michael Wright	Department of Urban Services	Cth. Dept. of Admin. Services Services, Tasmania

- (6) *In relation to SES Officers who have not been offered SES/Executive Officer contracts within the ACT Public Service, what services are being provided to (a) relocate; (b) retrain them; and (c) at what cost.and*

The legislation provides four options. (i) direct placement (ii) successful application following advertisement (iii) retirement with special benefit and (iv) transfer to an office.

Co-ordination mechanisms are available through the Office of Public Administration and Management whereby counselling programs are made known to other agencies. Financial assistance is available for the counselling process and amounts of up to \$300 are made available for assistance for the preparation of contracts. There is additional counselling available particularly if individuals choose to opt for retirement with special benefit. Career transitional counselling assistance is also available.

These amounts vary on a case by case basis but could be in the order of about \$2 000.

- (7) *How many unplaced SES/Executive Officers have been offered jobs within the ACT Public Service at the (a) SOG B level; or (b) SOG A Level.*

At this time, none have been placed at either the SOG B or SOG A levels.



29 August 1996

**Brief**

**MINISTER FOR HOUSING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 275**

**Housing Trust Properties - Vacancies**

**MS REILLY-** asked the Minister for Housing and Family Services -

- (1) What are the vacancies (by suburb) for each month (from June 1995 to June 1996) of ACT Housing dwellings for -
  - (a) one bedroom flats;
  - (b) two bedroom flats;
  - (c) two bedroom houses;
  - (d) three bedroom houses; and
  - (e) four bedroom houses.
- (2) Why were these dwellings are vacant; and
- (3) How long have they been vacant.

**MR STEFANIAK** - The answer to the Member's question is as follows -

- (1) and (3) Refer to Attachments (a) and (b). This information has been extracted from ACT Housing's ISIP computer system and is accurate within the limits of that system. The information is for the 12 months ended 30 June 1996.

I have also attached one of the management reports used by ACT Housing to monitor its vacant properties (Attachment C). This report is produced each week and gives a more useful presentation of the vacancies. However, it does not as yet provide a time series. A range of reports, such as this one, are used on a frequent basis to manage ACT Housing's large stock.

- (2) The dwellings were vacant for a range of reasons including:
  - . routine maintenance;
  - . full refurbishment;
  - . dwellings allocated while a client gives notice in private accommodation;
  - . clients exercising choice; and
  - . properties awaiting demolition or redevelopment.

ACT Department  
of Urban Services

*Quality Housing for all Canberrans*

ACT Government

*29 August 1996*

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## MASTER

## ATTACHMENT C

## List of Vacant Properties

as at 15/7/96

Status	City		Tuggeranong		Belconnen		Woden		Comm		Total	
	Last Week	This Week	Last Week	This Week	Last Week	This Week	Last Week	This Week	Last Week	This Week	Last Week	This Week
<b>Tenantable</b>	81	81	8	4	13	15	29	25	2	2	133	127
No. over 4 weeks	23	24	0	0	2	2	7	5	1	1	33	32
% over 4 weeks	28%	30%	0%	0%	15%	13%	24%	20%	50%	50%	<b>25%</b>	<b>25%</b>
3-4 weeks	17	14	0	0	0	0	2	3	1	1	20	18
% 3-4 weeks		17%		0%		0%		12%		50%	15%	14%
<b>Untenantable</b>	48	47	27	22	24	30	47	48	5	5	151	152
No. over 4 weeks	2	6	1	2	1	2	1	2	1	1	6	13
% over 4 weeks	4%	13%	4%	9%	4%	7%	2%	4%	20%	20%	<b>4.0%</b>	<b>8.6%</b>
3-4 weeks	9	7	3	0	1	1	5	5	2	2	20	15
% 3-4 weeks		15%		0%		3%		10%		40%	<b>13%</b>	<b>10%</b>
<b>Await Demolition</b>	1	1	1	1	0	0	0	0	0	0	2	2
3-4 weeks	0	0	0	0		0		0		0	0	0
No. over 4 weeks	1	1	1	1	0	0	0	0	0	0	2	2
<b>Awaiting Sale</b>	2	2	0	2	1	1	4	3	6	6	13	14
3-4 weeks	0	0		0		0		0		0	0	0
No. over 4 weeks	2	2	0	0	0	0	3	3	6	6	11	11
<b>General Upgrade</b>	4	3	0	0	9	9	8	7	0	0	21	19
3-4 weeks	1	1		0	3	3	0	0		0	4	4
No. over 4 weeks	2	2	0	0	6	6	8	8	0	0	16	16
<b>Under Review</b>	93	96	4	4	4	5	18	19	4	4	123	128
3-4 weeks	8	8	1	1		0	0	0		0	9	9
No. over 4 weeks	83	83	1	1	3	3	18	18	4	4	109	109
<b>No Elig Applic</b>	2	2	0	0	0	0	2	2	0	0	4	4
3-4 weeks		0		0		0	0	0		0	0	0
No. over 4 weeks	2	2	0	0	0	0	2	2	0	0	4	4
<b>Total vacant</b>	<b>231</b>	<b>232</b>	<b>40</b>	<b>33</b>	<b>51</b>	<b>60</b>	<b>108</b>	<b>104</b>	<b>17</b>	<b>17</b>	<b>447</b>	<b>446</b>
Total over 4 wks	115	120	3	4	12	13	39	38	12	12	181	187
Total 3 - 4 weeks	35	30	4	1	4	4	7	8	3	3	53	46

## Notes:

1. The figures in the second line of each category indicate the number of properties that have been in the category more than 4 weeks.
2. NEA properties include 75 Wakefield Gardens, & 90A Ebdon Ave (City), & 18/7 Yambina Cres & 250 Burnie Ct (Woden).
3. The under review category for City Office includes properties in VU due to the Condamine Court redevelopment.

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**QUESTION ON NOTICE**

**Number 276**

**Residential Development - Kingston Bowling Club Site**

**Ms Horodny** asked the Minister for the Environment, Land and Planning:

In relation to the application to vary the lease for the former Kingston Women's Bowling Club:

- 1) Was any undertaking made or understanding given by either (a) yourself; or (b) planning and land management officials to expedite or facilitate or in any other way assist the processing of a lease variation for the Kingston Women's Bowling Club site?
- 2) If so, was it in return for an undertaking or indication from the developer that he or a related developer or another of the same developer's companies would withdraw from the Tuggeranong Homestead lease?

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

I should explain some history of this matter to fully answer the member's question.

On coming to office, I was lobbied by residents of Kingston to prevent the development of medium density housing on the site of the former Kingston Women's Bowling Club. I undertook to consider this issue.

While doing so, I was incidentally approached by members of Minders of Tuggeranong Homestead (MOTH) to facilitate access to the Tuggeranong Homestead site for the purposes of an open day. The then-occupant of the Tuggeranong Homestead was the applicant for development of the Bowling Club site (Mr and Mrs Anderson).

I contacted Mr Anderson and asked him to facilitate the access sought. He agreed, but asked in return that I make a decision quickly on the issue of the Bowling Club site. I agreed to this request, but did not give him any undertaking as to the outcome.

For reasons which were subsequently outlined in full to the Assembly, I declined to prevent the development of the Bowling Club site. The principal reason for this decision was the approval of a variation to the Crown Lease to allow medium density and multiple-unit dwellings on 5 May 1994 by the former Labor Government. As I explained to the Assembly in June 1995, to not grant the approval may have left the Territory exposed to a considerable liability.

.../2

*29 August 1996*

Accordingly:

- 1) No undertakings were given by myself or my department since this Government came to office to facilitate the processing of a lease variation, since the lease had already been varied. I cannot speak for undertakings made by or on behalf of the former Labor Government.
- 2) Not applicable.

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 277**

**Deanes Buslines Services**

**Mr Whitecross** - ask the Minister for Urban Services

- (1) How many routes serviced by Deanes Buses departing Queanbeyan were permitted to (a) pick up passengers; and (b) set down passengers in the ACT on 1 June 1995;
- (2) What were these routes;
- (3) How many services were provided by Deanes Buses for each of these routes as at 1 June 1995; and
- (4) How many services were provided by Deanes Buses for each of these routes as at 1 June 1996.

**Mr De Domenico** - the answers to the attached questions are as follows:

- (1) As at 1 June 1995, Deanes Buslines operated three routes that required them to hold ACT service licences which allowed them to pick up and set down passengers. Additional services were provided by Deanes Buslines, but as these services did not include the picking up of passengers, Deanes did not need to hold ACT service licences for these routes.
- (2) The three routes that were held by Deanes Buslines for the pick up of passengers in the ACT, as at 1 June 1995, were Route 830 (Queanbeyan to Civic via Kingston and Manuka), Route 831 (Queanbeyan to Woden), and Route 833 (Queanbeyan to Civic, via Russell).
- (3) The services, connected with these routes, as at 1 June 1995, were as follows.

Route / Time of week	Monday to Friday	Saturday / Sunday / Public Holidays
830	20 return (plus 1 additional return service on Friday nights)	5 return (plus 1 additional return service on Saturdays)
831	14 return (plus 1 additional from Qbn to Woden)	6 return (Saturday only)
833	3 from Qbn to City, 2 from City to Qbn	0

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(4) As at 1 June 1996, the services were as follows.

Route / Time of week	Monday to Friday	Saturday / Sunday
830	24 from Qbn to City, 26 from City to Qbn	6 return
831	15 return	6 return (Saturday only)
833	3 from Qbn to City, 2 from City to Qbn	0