



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 April 1999

Thursday, 22 April 1999

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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.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Osborne**, from 246 residents, requesting that the Assembly reconsider the new student fare system to ensure that it is budget neutral for both students and adults, takes account of school location and student travel needs, is fair and just for all students and supports choice in schooling.

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

ACTION - Student Fares

The petition read as follows:

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

The petition from St. Clare's School Staff and Parents, draws attention of the Assembly to:

- . the harsh and unfair financial impact of the new student bus fares which
- . increases fares for most students between 33% and 167%, under the guise of being Budget neutral overall,
- . take no account of school locations and student travel needs,
- . are inappropriately related to adult travel patterns.

Your petitioners request the Assembly to reconsider the new student fare system to ensure it:

- 1) is Budget neutral for both students and adults,

- 2) takes account of school location and student travel needs, and
- 3) is fair and just, for all students and supports choice in schooling.

Petition received.

DISCHARGE OF ORDERS OF THE DAY

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.32): In accordance with standing order 152, I move:

That orders of the day Nos 1 and 2, Executive business, relating to the Crimes (Amendment) Bill (No. 7) 1998 and the Mental Health (Treatment and Care) (Amendment) Bill 1998, respectively, be discharged from the notice paper.

Question resolved in the affirmative.

GAMING MACHINE (AMENDMENT) BILL 1999

MS CARNELL (Chief Minister and Treasurer) (10.33): Mr Speaker, I present the Gaming Machine (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Gaming Machine Act 1987 to provide for a compulsory minimum level of community contribution by clubs from net gaming machine revenue. The proposals contained in this Bill represent the Government's ongoing commitment to ensuring that all clubs fulfil their obligation to the community. Clubs currently enjoy a monopoly in gaming machines. In return for this monopoly access, it is the Government's view that clubs should have an obligation to return some of their gaming machine benefits to the general community.

As you may be aware, the report from the Commissioner for ACT Revenue showed that in 1997-98 clubs donated \$9.43m, or 7.45 per cent, of their gross gaming machine revenue to a wide range of community activities and purposes. The Government acknowledges the valuable contribution made by many clubs to the community. But it is disappointing that a number of clubs made little or no effort in contributing to worthwhile causes. Of particular concern is the low priority given by the industry as a whole to the support of charity and welfare groups. Less than one per cent of the gross gaming revenue, or about \$1m, was donated to this valued sector of the community in 1997-98.

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Given the circumstances, the Government believes it is necessary to introduce this Bill. Under the Bill there are two categories of community contribution. The first, category A, covers contributions made to assist in improving the living standards of low-income or disadvantaged people or improving community welfare in the Territory. The second, category B, covers contributions that contribute to the development and support of the social fabric of the community. This may include assistance to sport or other recreational activities.

Mr Speaker, currently a gaming machine licensee is required to keep a record of all contributions donated to a charitable organisation or for a charitable purpose during a financial year. However, from 1 July 1999, these records will now also include details of category A and category B community contributions. Licensed clubs will be required to report to the Commissioner for ACT Revenue on revenue received and contributions made in each category. The Minister will be able to set guidelines determining whether a contribution qualifies under category A or category B. The level of community contribution for both categories is set in the legislation, initially at a total of 5 per cent of net gaming machine revenue, with this being increased to 7.5 per cent over a three-year period. At 5 per cent, the minimum contribution represents \$3.9m for the industry, compared to the current level of \$9.4m reported by the clubs. This means that the industry as a whole still has sufficient funds to contribute to other activities outside the guidelines, such as business associations.

A licensee may contribute more than the minimum determined percentage of net gaming machine revenue on category A, thus reducing the amount required to be contributed on category B. This provides flexibility to club contributions, yet maintains the priority on donations to charity and welfare groups. Club licensees must satisfy the commissioner that the required level of contributions has been made on each category's activities over the financial year. Any shortfall will result in the imposition on the club licensee of a tax at the rate of 100 per cent of the shortfall. Revenue received from this tax will be paid by the commissioner to the community services grants program fund, administered by the Department of Education and Community Services, for allocation to community projects. Non-payment of the shortfall tax may result in the suspension or cancellation of a gaming machine licence.

Mr Speaker, the Government recognises that there are several small clubs, such as ethnic clubs, which provide a valuable service to members but may not be in a position to contribute to the general public. To lessen any adverse impact that the new requirements may have on the viability of these small clubs, the commissioner will have the discretion to provide full or partial exemption to clubs whose gross gaming machine revenue is less than \$200,000 where the circumstances justify exemption.

In conclusion, I believe this legislation will enhance the level of commitment by clubs to the general community. This legislation has been put together quite categorically to ensure that the monopoly clubs enjoy on poker machines produces a significantly greater benefit for charity and welfare organisations - in other words, to ensure that an increased amount of money goes to those less well off in the community. I find it very difficult to understand why those opposite are already interjecting. They usually support - or say they support - people who are less well off. It is an absolute mystery to me.

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

CRIMES (AMENDMENT) BILL 1999

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.40): Mr Speaker, I present the Crimes (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Crimes (Amendment) Bill 1999 amends the provisions in Part 11A of the Crimes Act 1900 to give effect to a number of recommendations which were made following a review of mental health legislation. Part 11A of the Crimes Act provides for how the criminal justice system deals with accused people before the Supreme Court who are unfit to plead, accused people who plead not guilty on the grounds of mental illness in Supreme Court proceedings, mentally dysfunctional people who have been convicted of an offence by the Magistrates Court or Supreme Court, and defendants before the Magistrates Court who are mentally dysfunctional.

The Bill amends this Part of the Act to implement a number of recommendations which arose from a review of the Mental Health (Treatment and Care) Act and Part 11A of the Crimes Act. The proposed amendments have been suggested by members of the community and key stakeholders in the criminal justice system to improve the workability, consistency and transparency of the provisions of the Part.

For the information of members, I will explain some of the key changes made by the Bill. The first is that the Bill amends the provisions of the Act which limit the period for which a person dealt with under Part 11A can be detained in custody pursuant to an order of the court. At present the Act provides that where a person is liable to be detained pursuant to a Part 11A order the person cannot be detained for a period exceeding the maximum period of imprisonment which could be imposed if the person were convicted of the offence charged. Examples of where a court can order a person detained are where the person pleads guilty to an offence on the ground of mental illness and is acquitted on this ground and where the person is unfit to plead and is found to have committed the acts constituting the offence charged. Such people may be detained pursuant to a court's order until the Mental Health Tribunal orders otherwise.

The change made by the Bill is to limit the period of any detention to a period no longer than the period for which the person would most likely have been imprisoned had the person been found guilty of the offence with which he or she has been charged if dealt with in normal criminal proceedings. This recognises that offenders who are dealt with in normal criminal proceedings are often sentenced to imprisonment for a term less than the maximum which the court could impose. If a person is to be detained pursuant to a provision of Part 11A of the Act, he or she should not be detained for a period longer than the period of imprisonment which would have been imposed for the relevant offence in normal criminal proceedings. The provisions of the Bill require the court to

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make its best estimate of what imprisonment term would have been imposed in the particular circumstances and then restrict any order for detention of the accused to a period not exceeding that term. Amendments to the Mental Health (Treatment and Care) Act to be introduced by Mr Moore complement these provisions.

It must be conceded that some people will remain mentally dysfunctional or mentally ill for a period longer than the limiting period during which they may be detained pursuant to Part 11A. However, if a person's mental condition justifies continued involuntary detention, such continued detention should be as a result of civil proceedings authorising the detention of the person, not simply that the person was initially detained due to having come into the criminal justice system.

A further amendment made by the Bill will enable the Supreme Court to order a person in respect of whom an issue of fitness to plead arises, once he or she has been committed for trial, to submit to the tribunal for determination of his or her fitness to plead. This may be ordered without having to wait until a jury has been empanelled and the trial is under way. This is an important provision with the potential to avoid wasting the time of jurors and others involved in Supreme Court proceedings. For the same reasons the Bill will enable the Supreme Court to discharge a jury which has been empanelled, having regard to any anticipated delay in the tribunal advising as to the accused's fitness to plead.

The Bill makes a number of important changes giving the Magistrates Court greater flexibility to deal with defendants suffering from mental dysfunction or mental illness. A key change to the legislation is the inclusion of provisions enabling the Magistrates Court to require that a defendant who appears to be mentally dysfunctional or mentally ill be assessed to determine whether or not the person requires treatment or care. These provisions will ensure that the Magistrates Court is able to have such a person conveyed to a health facility for assessment. If the person is assessed as requiring treatment, the person will be able to be treated but will only be able to be discharged into the custody of a police officer.

At this point one of three things will happen pursuant to the court's order. The defendant will be admitted to bail by the police; the defendant will be held in custody by the police, to be taken as soon as practicable back to court for the court to make a decision on bail; or the defendant will be considered by the police for a grant of bail against the Bail Act provisions.

The structure of these provisions recognises that the court needs a mechanism to have people assessed and provided with treatment, if it is required, but existing Bail Act provisions are insufficient to achieve this. There is clearly a serious doubt as to the capacity of people thought to be mentally ill or mentally dysfunctional to enter into bail conditions to seek assessment or treatment. The legislative scheme proposed allows for deferral of the granting of bail or the making of a decision whether to grant bail until after the person has been assessed, given emergency treatment if necessary and released or discharged.

The Bill will extend to the Magistrates Court powers similar to those of the Supreme Court to deal with accused people in respect of whom the issue of fitness to plead arises. This will mean that it will be possible for the Magistrates Court to make

appropriate orders in respect of people who are charged with summary offences or indictable offences which may be heard and determined summarily where the defendant is unfit to plead.

The Bill also gives the Magistrates Court the capacity to make the same types of orders as the Supreme Court presently can in relation to people who are acquitted on the grounds of mental impairment. The Magistrates Court presently has the capacity to dismiss charges, with or without a requirement that the defendant submit to the jurisdiction of the tribunal, where certain defendants are mentally dysfunctional. The Bill sets out a range of factors which the court must consider before exercising its discretion to dismiss charges under the relevant provision. It also makes it clear that the Magistrates Court may dismiss charges unconditionally, or subject to the requirement that the accused submit to the jurisdiction of the tribunal in relation to indictable offences which can be heard and determined summarily, only where the Director of Public Prosecutions consents.

Changes made to the terms defined in the Mental Health Act have resulted in consequential amendments to the provisions of Part 11A. The changes to the Mental Health Act effected by the amendments in the Mental Health (Treatment and Care) (Amendment) Bill to be introduced by my colleague the Minister for Health and Community Care mean that the tribunal will be able to make orders in respect of people with a mental illness as well as people with a mental dysfunction. Presently one term is used to cover both categories of people. The introduction of a distinction between these categories of people necessitates consequential amendments to Part 11A.

It also means that it is no longer possible to use the term "mental illness" in the provisions of Part 11A dealing with pleas of not guilty on the grounds of mental illness. Instead, the term "mental impairment" has been substituted for "mental illness" in those provisions. The change in terminology does not affect the substance of the amended provisions.

Finally, the Bill repeals the sunset clause applying to Part 11A of the Act. The clause was included in this Part of the Crimes Act and a similar clause was put in the Mental Health Act by the Assembly when the legislation was passed in 1994. They were inserted to ensure that the provisions of the Mental Health Act and Part 11A were reviewed once the legislation had been in place for a sufficient period to enable its assessment and to avoid the legislation becoming entrenched as part of the ACT statute book without that assessment. As the legislation has now been reviewed and this Bill and the Bill amending the Mental Health (Treatment and Care) Act are a result of that review, the sunset clause is being repealed.

The Mental Health (Treatment and Care) (Amendment) Bill includes a provision requiring that the Mental Health (Treatment and Care) Act be reviewed again as soon as possible after the passage of a further 10 years from the making of the amendments contained in that Bill. Of necessity, that review will involve consideration of any interrelated provisions of Part 11A of the Crimes Act. I commend the Bill to the Assembly.

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

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ELECTRICITY (AMENDMENT) BILL 1999

MR SMYTH (Minister for Urban Services) (10.50): Mr Speaker, I present the Electricity (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

This Bill is to amend the Electricity Act 1971 to provide for trainees and school students to perform electrical wiring work whilst undergoing an accredited training course. It will also exempt telecommunication workers who have undergone accredited training from the requirement to obtain an electricians licence.

The Commonwealth Minister for Schools and Vocational Education and Training, Dr Kemp, recently announced that the Commonwealth Government's initiative to provide more flexible and user choice training for young people has seen the introduction of specific electrical training courses in secondary colleges. Several colleges in the ACT are now providing electrical training for students wishing to pursue a career in the electrical industry. The training provides a credit towards an apprenticeship or traineeship once the student enters the work force. This provides a benefit to the employer in that the apprentice is semiskilled at the commencement of the apprenticeship training. This Bill provides legal status to these students and trainees to perform electrical wiring work whilst training. Currently such status is afforded only to apprentices. The Bill also removes the need for telecommunication workers to obtain an electricians licence if they complete an accredited training course.

The implementation of the Commonwealth Government's competition policy has seen the removal of the statutory immunity for telecommunication workers. This means that telecommunication workers now come under the licensing provisions of State and Territory electrical licensing legislation. This Bill will continue to provide the exemption and not require them to be licensed, subject to them completing an accredited training course that will ensure that the current high standards of training and safe working practices are maintained.

Mr Speaker, this Government is committed to supporting youth employment and youth training initiatives and providing for the continued implementation of competition policy. I am pleased to bring forward legislation for this purpose. This Bill deserves the support of all members.

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

MENTAL HEALTH (TREATMENT AND CARE) (AMENDMENT) BILL 1999

MR MOORE (Minister for Health and Community Care) (10.53): Mr Speaker, I present the Mental Health (Treatment and Care) (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

The Mental Health (Treatment and Care) (Amendment) Bill 1999 is the culmination of a long consultation process between the Government and the community. The Bill amends the Mental Health (Treatment and Care) Act 1994. Those of us who were in this place in 1994 will remember the long process undertaken in the development of the Act. That Act was the result of a major review of mental health legislation which began in 1990 with the *Balancing Rights* report.

All stakeholders in the mental health area - consumers, carers, mental health professionals and community members - rightly saw the 1994 Act as a major improvement in the ACT's mental health laws. The 1994 Act was a response to the major changes evident at that time in relation to the approach to mental health issues in general and mental illness treatments in particular. Mental health services have gone through a revolution in the past decade, and the 1994 Act provides some evidence of the Assembly's response to those changes.

The 1994 Act recognises the rights of mentally dysfunctional persons. The Act is based on the principle that mental health services should, wherever possible, be provided on a voluntary basis. Where involuntary treatment and care of persons with a mental dysfunction are considered necessary, such treatment should be the least restrictive of the person's human rights and should continue only for as long as involuntary treatment is clinically justifiable.

At the time the legislation was debated in the Assembly, many developments in the approach to mental health issues were on the horizon. In addition, the national mental health plan and the national mental health policy were only beginning to impact on policies, services and outcomes for people with mental illness. The Assembly - and I was one of the main protagonists - urged that the 1994 Act should have an expiration clause to ensure that it was reviewed in the short to medium term so that the law would not become irrelevant or unresponsive to the massive shifts in the approach to mental illness in Australia and around the world.

The expiration clause, in effect, required the Act to be reviewed by the Assembly by February 1999. In order to meet this timeframe, the Mental Health (Treatment and Care) (Amendment) Bill 1998 was introduced into the Assembly in November 1998. Members of the Assembly requested additional time to consider the provisions of that Bill. A number of community representatives also sought more time to discuss the proposed amendments with the Government. In order to enable this, the Assembly extended the operation of the Act to 30 June 1999. When I presented the Bill, I stated:

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I want to clearly put on the record that the Government is receptive to changes to what is proposed here. If there are major concerns about the proposed amendments, we are fully prepared [to address the concerns].

As evidence of that commitment, today the Mental Health (Treatment and Care) (Amendment) Bill 1998 was withdrawn and I presented the Mental Health (Treatment and Care) (Amendment) Bill 1999. In fact, Mr Humphries moved the motion to withdraw the 1998 Bill.

This Bill, based on the 1998 Bill, includes a number of amendments which have been made in response to recommendations from a wide range of stakeholders. The Bill furthers the human rights protections for people subject to the Act, as well as providing new mental health orders which more appropriately reflect a person's diagnosis. The major changes from the 1998 Bill which have been included in the 1999 Bill are the removal of preventive detention provisions; the maintenance of the role and structure of the Mental Health Tribunal; clarification of the powers of custodians in relation to mental health orders; the separation of orders for mentally ill and mentally dysfunctional persons, to provide treatments and outcomes appropriate to a person's condition; clarification of the provisions in relation to emergency apprehension by the police; and inclusion of a provision which requires consultation by the tribunal with a child's parents where a child is subject to a Mental Health Tribunal inquiry.

Mr Speaker, although the lengthy process we have followed has brought about widespread agreement on this legislation, there are some disappointments to the Government. In removing the preventive detention provisions, the Government is concerned that the community will be denied access to a last resort where a person who is likely to cause harm to others cannot be detained under the provisions for involuntary treatment or care.

Similarly, with the proposed changes to the Mental Health tribunal being removed as a result of the consultation process, we are concerned that the tribunal may be seen as reaching decisions based on communications between members of the tribunal which are not available to the person subject to a tribunal hearing, which would be contrary to natural justice principles and prejudicial to the interests of the person who is the subject of the hearing. However, I am encouraged by the assurance of the tribunal that all deliberations in relation to a person subject to a hearing by the tribunal are, and will continue to be, undertaken in front of the person subject to a hearing and any representatives of that person.

Many of the other changes arising from the consultative process have been welcomed by the Government. The Bill still provides for increased safeguards for individuals subject to involuntary treatment or care through the provision of an official visitors scheme for mental health facilities; increased rights for people subject to emergency detention which allow them to inform a relative or friend of their detention; the requirement for consumers and carers to be involved in policy development, evaluation of services and services planning; the requirement that people be discharged from involuntary orders, in most cases, as soon as the criteria for involuntary detention are no longer met; the

requirement for the tribunal to determine whether a person subject to a tribunal has the capacity to consent to an order before making an order; and a process to follow where a person contravenes a mental health order.

The Bill marks the further evolution of our mental health laws as well as providing evidence of the Government's commitment to provide better services to people with mental health issues. The Bill is consistent with the move to more community-based mental health services and the need to ensure the protection of the rights of the mentally ill or mentally dysfunctional. The Bill complements the Crimes (Amendment) Bill 1999, which was presented earlier today by the Attorney-General.

The review of the Mental Health Act launched in March 1997 also recommended a number of changes to the approach of the criminal justice system to persons with a mental illness or a mental dysfunction. These are detailed in the Crimes (Amendment) Bill 1999. A number of amendments to the Mental Health Act are required as a consequence of those amendments to the Crimes Act. I commend this Bill to the Assembly.

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

ESTIMATES 1999-2000 - SELECT COMMITTEE Appointment

MS CARNELL (Chief Minister and Treasurer) (11.00): Mr Speaker, I move:

That:

- (1) a Select Committee on Estimates 1999-2000 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1999-2000 and any revenue estimates proposed by the Government in the 1999 Budget, and the Annual and Financial Reports for the financial year 1998-99;
- (2) the Committee be composed of:
 - (a) one Member to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) two Members to be nominated by either the Independent Members or the ACT Greens;

to be notified in writing to the Speaker by 4.00 pm on Thursday, 22 April 1999.

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- (3) the Committee report by 22 June 1999 in respect of the Appropriation Bill 1999-2000 and by 23 November 1999 in respect of the Annual and Financial Reports for the 1998-99 financial year;
- (4) if the Assembly is not sitting when the Committee has completed either of its inquiries, the Committee may send the relevant report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, publication and circulation;
- (5) the Committee is authorised to release copies of its reports, prior to the Speaker or Deputy Speaker authorising their printing, publication and circulation and pursuant to embargo conditions and to persons to be determined by the Committee;
- (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, this motion is very much in line with the approach that this Assembly took last year with regard to the Select Committee on Estimates. The Government has not proposed any changes, although I understand that Mr Kaine will be moving some amendments to this motion.

MR KAINE (11.01): Mr Speaker, I seek leave to move together the amendments circulated in my name.

Leave granted.

MR KAINE: Thank you, Mr Speaker, and thank you, members. I move:

- (1) Paragraph (1), omit “, and the Annual and Financial Reports for the financial year 1998-99”.
- (2) Paragraph (3), omit “and by 23 November 1999 in respect of the Annual and Financial Reports for the 1998-99 financial year”.
- (3) Paragraph (4), line 1, after the word “completed”, omit “either of its inquiries”, substitute “its inquiry”.
- (4) Paragraph 5 -
Line 1, omit “reports”, substitute “report”.
Line 2, omit “their”, substitute “its”.

I am sure that everybody will be aware that I have long held the view that the consideration of annual reports should be separated from the consideration of the budget. They are two clearly separate matters and it has been my view for many years that we should separate them. With the budget this year being brought forward, if the Estimates Committee were to reconvene to look at the annual reports, it would be almost six months later that the Estimates Committee reconvened to look at matters which, in my view, are properly not a matter of substance for the Estimates Committee anyway. I think this is a good year to examine this matter and for the Assembly to determine whether it wishes to continue to have the Estimates Committee examine the estimates in the budget, the Appropriation Bill and the annual reports or whether it is an appropriate time to separate them. So, Mr Speaker, I have moved the amendments circulated in my name.

The intent is that this year the Estimates Committee, as a result of these amendments, would look only at the Appropriation Bill and the documents associated with that. I foreshadow that, if the Assembly supports these amendments today, I will at a later time move another motion that places the responsibility for examining annual reports on the appropriate portfolio standing committee. I think that is a far more appropriate apportionment of responsibility. The examination of the Appropriation Bill and its associated documents would not be clouded, would not be obscured, would not be obfuscated, if you like, by extraneous material that has to do, not with the budget that we are debating, but what has happened in the preceding year. I think they are two entirely different things. It is appropriate this year in my belief, as I said, to separate them. That is the intent of my motion. I ask members of the Assembly to seriously consider the ramifications of my amendments and support them.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.04): Mr Speaker, the Government will be happy to support the amendments Mr Kaine has moved. In fact, the amendments leave open the question of how the Assembly will deal with the annual reports brought down in September or October, but the indication that Mr Kaine has given of what he intends to do with them at that stage is quite supportable. The fact is that over the last year, with the establishment of portfolio committees, a body of expertise has built up in each of those committees on the operation of the particular portfolios that they cover. It seems to me quite strange that you can have an Estimates Committee reviewing, for example, the annual report of the Department of Justice and Community Safety but not have any members of the portfolio committee on the committee as it is examining that report. They might sit in but they would not be there to debate it when the report is finalised.

This proposal allows that expertise built up in individual committees to be applied to the annual reports. It is likely to result in a higher level of scrutiny of government Ministers who come before those committees because they will have to answer questions from people who have been working in that portfolio area for almost two years by the time this set of reports reaches them.

Mr Speaker, it makes some sense from the point of view of scrutiny and it allows the element of confusion which has crept into the estimates process to be eliminated. There is no doubt that in the last year at least, and probably before that, there has been a tendency to have the estimates function carried out in part by that report review process and for part of the report questioning exercise to go on during the estimates process.

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That crossover and confusion between the two roles is damaging to the estimates concept. I believe that the amendments should be supported. I hope that they will achieve a better focus on the real issues that the budget and, in turn, the annual reports give rise to.

MR CORBELL (11.06): We were made aware of the amendments only 10 minutes ago. We are happy to resolve the question today, Mr Speaker, but we would like to adjourn the matter to a later hour this day. I move:

That the debate be adjourned to a later hour this day.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I seek leave to speak to the motion.

Leave granted.

MR HUMPHRIES: I have a concern about the fact that we have a deadline today to nominate people to the committee.

Ms Tucker: That is not a problem.

MR HUMPHRIES: Okay. As long as members are prepared to allow some flexibility with that, I am content.

Question resolved in the affirmative.

Debate adjourned.

URBAN SERVICES - STANDING COMMITTEE Report on Tidbinbilla Nature Reserve - Government Response

Debate resumed from 23 March 1999, on motion by **Mr Smyth**:

That the Assembly takes note of the paper.

MS TUCKER (11.07): I have now had the time to look at the details of the Government's response to the report on the Tidbinbilla Nature Reserve management plan and I must say that I am disappointed with it. It is quite obvious that the Tidbinbilla Nature Reserve contains two distinct zones - the partly cleared valley floor, which contains the animal enclosures and picnic facilities, and the surrounding mountain ranges, which are still largely in their natural state and which, it is acknowledged, contain some wilderness value. Unfortunately, I am not sure that these two zones are being managed equally. I have heard some reports that the Government's emphasis on promoting Tidbinbilla as a tourist attraction has meant that management resources are being focused more on the valley floor facilities and that conservation management tasks in the mountain zone, such as feral animal and weed control, have had to be downgraded.

The committee's recommendation that the national park zone be incorporated into the Namadgi National Park seemed reasonable as it could have led to more emphasis being put into conservation management activities in the mountains around Tidbinbilla. I am therefore disappointed that the Government has quickly dismissed this suggestion.

Regarding entry fees to Tidbinbilla, the committee recommended that those people who only access the national park zone of Tidbinbilla should not have to pay entry fees. This recommendation is actually similar to the position taken by the Greens in the original debate over the entry fees. We were prepared to accept entry fees for the animal enclosure area as this area could be regarded as a type of zoo facility, but that entry to the rest of the reserve should be free in line with the free access to similar reserves in the rest of the ACT. The Government's argument that this approach is too difficult to administer is quite weak.

If there are to be entry fees then at least the money should go back into maintenance of the reserve. I note that the Government has said that it is its current policy that all money raised from entry fees will be reinvested in the reserve. However, there is no guarantee that this policy will continue into the future.

In fact, I am quite concerned about future funding levels for Tidbinbilla. We have the very unusual situation that the new visitors centre is being paid for by borrowed funds rather than through capital works money. Environment ACT has to pay back this money, and I am very concerned about its ability to raise sufficient revenue from visitors to the reserve. Revenue from entry fees has been below expectations, and I understand that participation in ranger-guided walks has also dropped since the introduction of charges.

Great emphasis is now being placed on raising revenue through sponsorships, and I have grave concerns that we may end up with something like the McDonald's kangaroo enclosure and the Coca-Cola koala park, which would be a great corruption of the nature conservation values of the reserve. I think the Government should be providing direct funding for management of the reserve and should not rely on other dubious forms of commercial funding.

The committee has recommended an increase in funding to the Parks and Conservation Service for its management of the reserve, which I would fully endorse. There is no point in preparing a management plan if the parks officers do not have the resources to implement it on the ground.

This issue highlights the need for the implementation of environmental accounting, as the Government has absolutely no idea of the environmental liabilities that might be accruing from the current resources being put into park management. Reports I have heard indicate that the level of resources generally does not match the demands placed on park managers for feral animal and weed control, maintenance of visitor facilities and patrolling of the parks. Resources are being stretched very thinly across park management tasks, and I have fears that the Parks Service may be falling behind in responding to these demands.

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On a related matter, I note that the committee has recommended that the management plan be reviewed every three years by an independent assessor and that the Government has accepted this in principle. This recommendation could be made for all the management plans for the other reserves in the ACT, as I am concerned about the general delays that have occurred in preparing and reviewing other management plans because of lack of resources. How independent these reviews will be is going to be an ongoing issue, as we found with the rural residential study.

The final point I would like to comment on is the role of the conservator. I am disappointed that the Government is not prepared to do anything about the conflict of interest that has arisen when the conservator is both the proponent of development in the reserve as well as the provider of advice on the conservation impacts of that development. This was one of the issues which led to my recent private members Bill regarding the qualifications of the conservator. The Government's head-in-the-sand attitude to this conflict of interest is very worrying and does not bode well for the assessment of future development proposals in nature reserves, such as the tourist facilities which the Government seems so keen on.

The Greens have always said that the primary management objective for nature reserves should be nature conservation and that facilitating tourism activity should be a secondary objective. I note that the Government has included this point in the management plan, but I wonder about its commitment to these words when compared to the - - -

MR SPEAKER: Order! Ms Tucker, would you address the microphone? Sorry, but we cannot hear.

MS TUCKER: Yes. I noticed that it changed.

MR SPEAKER: That is better.

MS TUCKER: I thought it was the technology. Was it just how I was speaking? I must have moved my body.

MR SPEAKER: You may look to the stars for inspiration but, please, look to the microphone if you want to be heard.

MS TUCKER: Okay. I note that the Government has included this point in the management plan, but I wonder about its commitment to these words when compared to the effort it is putting into turning Tidbinbilla into a self-funded tourist attraction. I will therefore be watching very closely the implementation of this management plan.

MR SMYTH (Minister for Urban Services) (11.15), in reply: Mr Speaker, I thank the members for their comments. Clearly, the Government will not agree with some of what has been said, but the Government does have a commitment to Tidbinbilla. Ms Tucker keeps talking about the head-in-the-sand attitude of just developing tourist facilities yet totally ignores the need to provide an all-up experience for those who would like to go and learn about the bush, and much of what is being built up at Tidbinbilla is about education. It is about explaining what we have out at Tidbinbilla. It is about urging people to be responsible in the way that they use the bush.

Ms Tucker seems to have a fixation on tourist facilities, yet totally ignores the good work that is being done out there, for instance, with the breeding program for the brush-tailed wallabies. The work that is being done out there by the rangers is now achieving great results in saving an endangered species, and it is not without the dedication and the hard work of the rangers and the support of the Government that this occurs.

Yes, we are building a new visitors centre. Visitors centres provide facilities for tourists; that is true. It will have a retail facility; that is true. It does have a cafeteria facility; that is true. But it also has a primary education function to ensure that people not only enjoy their visit to Tidbinbilla but also come away understanding the bush better.

There were other comments made. Without taking up the debate on the position of the conservator, the process in terms of the development application for the visitors centre is quite clear. In different areas of environment, one area proposed it and one area assessed it. The process is quite clear. It has gone through PALM. I do not believe that this is an example of a conflict of interest. Indeed, the conservator also has a right to explain and to help educate the population who visit Tidbinbilla about the important work that goes on there and how the bush works. This can all be accommodated in the current position.

Other comments were made about ferals. My understanding is that we have done very well with our feral program, particularly in combating pigs that were coming in. We now have a pattern. They now come in from New South Wales. We have done tremendously good work with the pig population and other populations, including rabbits and foxes. We work. We keep an eye on them all the time, and I am not aware that there is a problem with ferals. There will always be some ferals. Total eradication is very difficult, but we are aware of the impact that they have and we will continue to ensure that we combat them as appropriately as we can.

Mr Speaker, Tidbinbilla is a wonderful resource. We should not get caught up in the use of the words "tourist" or "tourism". Tourism has its part to play in the understanding of the bush and the environment. What Tidbinbilla will become will be a world-class example of how you can manage and at the same time allow people to come and enjoy the bush. This is recognised, I believe, in the fact that we recently received another grant that will allow the new visitors centre to be solar powered. So, again, its impact on the environment will be lessened and yet again it will allow it to become a wonderful example of what can be done and what should be done.

Mr Corbell also made similar comments. I believe that the Government has answered these comments. It is important that the all-up management ensure that the functions that Tidbinbilla is there for are achieved. The Government's management plan for Tidbinbilla will achieve that.

Question resolved in the affirmative.

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CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 9 of 1999

MR QUINLAN (11.19): Mr Speaker, I present Public Accounts Committee Report No. 17 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 9 of 1998 - Financial Audits With Years Ending to June 1998", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, taken together, the bottom lines of the reports do not represent all that much of a pretty sight, and I do recommend to members that they peruse the summary that was prepared by our secretary and adopted by the committee. I guess the primary function of the public accounts committee in this regard is to review the preparation of the reports, and we will have a whole new system next year for examining the content thereof.

The committee did note some shortcomings. The auditor pointed up some shortcomings in relation to accountability within certain agencies and some failures to meet budget. The committee accepts that some of the smaller agencies which are less resourced than others may have experienced difficulties in coming to grips with the imperatives of new financial initiatives, but it expects these problems will be rectified.

Again, this is one of those audit reports that get a government response that says, "We are looking at that and it will all be right next time". I do commend the recommendations of the report and, in particular, recommendation No. 2 - that the Government inform the Assembly on the specific measures to be applied ensuring that agencies address the accounting and budgetary failings identified by the audit. I commend the committee's report to the Assembly.

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

URBAN SERVICES - STANDING COMMITTEE
Kippax - Planning for Community Facilities - Statements by Chair and Minister

MR HIRD: Pursuant to standing order 246A, I wish to inform the parliament that on 16 April this year the Standing Committee on Urban Services resolved that the following statement be made on planning for community facilities at Kippax:

Mr Speaker, on behalf of the Standing Committee on Urban Services, I would like to inform the parliament about the committee's activity in relation to the issue of planning for community facilities at Kippax. This matter came to the committee's attention earlier this year when local residents requested that certain blocks at Kippax shopping centre be permanently set aside for community purposes only. At present, the Territory Plan shows this land as "commercial", which permits community use as well as cultural facilities, health facilities, indoor recreation facilities, offices, restaurants and residential use.

The committee deliberated about the request by the local residents and decided that, while a full-blown inquiry did not appear to be warranted, it would be entirely appropriate for the committee to brief itself fully on the issues. The committee therefore proceeded to ask both the Minister for Urban Services, Mr Brendan Smyth, and the Chief Minister, Mrs Kate Carnell, to make departmental officers available to brief the committee in public, and they did so on two occasions - on 19 February and 16 April this year. The committee expresses its appreciation to the two Ministers for making their officers available.

We also asked representatives of the Kippax Task Force to address the committee in public and they did so on 26 March this year. They told us that they want three blocks in the Kippax Centre, blocks known as 15 and 16 and 53 of section 51, to be identified in the Territory Plan as solely for the use of community purposes. In particular, they hope that this will guarantee the future of the local library.

They noted that the blocks, at present, could be used for a dozen other uses, including commercial premises or even car parks, but what is needed is tenure for community use. They expressed grave concern that blocks 15, 16 and 53, in their terms, might be "flogged off" by a future government. They also expressed concern about another area. They are worried that the existing health and fitness centre on block 51 might run down over time and then its leaseholder might seek to incorporate the block into the adjacent block 50, which permits residential town houses.

As an aside, I should mention that the local residents expressed support for the present refurbishment activities in the Kippax Centre which include the development of a master plan being prepared under the aegis of the Kippax Precinct Community Group. I take the opportunity to commend the Government for its initiatives in refurbishing local centres throughout Canberra, of which Kippax is just one.

At a public hearing, government officers told the committee that they are aware that Kippax Centre contains a number of vacant blocks of land, two of which are blocks 15 and 16. These two blocks do not have leaseholders. The government officers knew of no demand for other commercial space at Kippax Centre. The officers stated that they were not aware of any intention to remove the library or to take any action that would threaten the existing community use of the blocks in question, and that they considered the existing commercial policy to adequately protect the balance of commercial and community uses in the Kippax Centre.

They added that if there ever arose a proposal to change an existing community facility in a commercial centre, the proposal would trigger an automatic requirement for a preliminary assessment. They indicated that the long-term future of the Kippax library depended on usage and government policy, and they stated that they are unaware of any proposal to downgrade the existing facilities.

When sitting down after the three public hearings to consider the information obtained by the committee, members particularly noted the following two points: First, the absence of any indication that these blocks are under any sort of redevelopment pressure for use as a commercial facility; and, second, the fact that, as a result of the consultative process within the Kippax refurbishment program, government officers are now very much aware that the community prefers blocks 15 and 16 to be used for community

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purposes. All of this leads the committee to think that there is no real need to alter the existing land use classification of commercial, which includes community land use. However, the committee appreciates the concern by local residents for the long-term future of their library facility.

The committee considers it is important that Kippax retain a library facility and members would be concerned if there was any intention to downgrade or cease the library's operations. In this regard the committee considers that the concern of the residents should be addressed by the Government, which should find a prompt way to assure the local residents about the long-term future of the library.

In closing, Mr Speaker, I want to make two final observations. The first is to thank the members of the Kippax Task Force for their hardworking voluntary efforts on behalf of the local residents of Kippax. The second is to note that the committee's consideration of these issues is an example of a committee of the Assembly deciding to acquaint itself with a particular issue even though it has not formally resolved to conduct an inquiry, as we commonly understand that term. There are occasions when this course of action is particularly appropriate. My committee has done it in this, the Fourth Assembly, on two occasions to date - once on Kinlyside and once on the old Ainslie school. Members of the Urban Services Committee think that our activity in relation to planning for community facilities at Kippax Centre is a further example of the usefulness of such activity by an Assembly committee.

I would like to thank those officers made available by the two Ministers in question and also the secretary of our committee, Mr Rod Power, and my two colleagues, Mr Rugendyke and Mr Corbell.

MR SMYTH (Minister for Urban Services): Mr Speaker, I seek leave to make a short statement on the same matter.

Leave granted.

MR SMYTH: I would like to thank Mr Hird and the Urban Services Committee for their examination of the status of these three blocks at the Kippax group centre and for his statement this morning. I am grateful that the committee has taken the time to look at this matter which is of concern to the residents of that area.

It would appear from Mr Hird's statement that the major source of concern of local residents is the future of the Kippax library. Mr Speaker, the Kippax library is somewhat unusual as it is a small library servicing a smaller catchment area than some of our other libraries, and it may be this that has been the cause of the residents' concern. However, I would like to take this opportunity to assure the residents of western Belconnen and any other users of the Kippax library that this Government is committed to the provision of a library at Kippax. I would also like to assure library users that the Government will not be downgrading the status of the Kippax library.

Mr Speaker, we put a lot of effort into the library service across Canberra. We have extended opening hours, arranged Sunday openings and increased the levels of Internet service. Customer satisfaction with the library service grows and grows. It is very pleasing to me, as the Minister responsible, that we are able to provide that wonderful

service. With the growth of Dunlop, Kippax library is likely to be the heart of a growing catchment area. It is well placed to serve the people of western Belconnen. The Government will continue to support this excellent service.

EDUCATION - STANDING COMMITTEE
Canberra Institute of Technology - Funding - Statements by Chair and Minister

MS TUCKER: Pursuant to standing order 246A, I wish to inform the Assembly that on 15 April 1999 the Standing Committee on Education resolved that the following statement be made on funding for the Canberra Institute of Technology:

Following concerns from a number of organisations about reductions in staff recommended in the "Review of the Learning Services Division and Related Functions at the Canberra Institute of Technology", the Oliphant report, which was conducted by Michael Oliphant and Vivien Carroll, the Standing Committee on Education decided to seek further information on a number of issues relating to the funding of the CIT.

On 11 December 1998 the committee invited the Minister for Education and departmental officials and the Australian Education Union to brief it on funding for the CIT. In particular, the committee wished to discuss with the Minister issues raised by the Australian Education Union in relation to the Oliphant report, the performance of the CIT and future public funding for the CIT. The Australian Education Union provided the committee with a copy of its analysis of published vocational education and training data, entitled "Lies, Damned Lies and Statistics" and "More Lies, Damned Lies and Statistics". On 15 February 1999 the Minister provided the committee with a detailed response to the issues raised in the Australian Education Union's analysis.

The Oliphant report is an internal management report. It noted that the benchmarking measures reveal that the CIT falls short of national standards in three main areas, namely: Its delivery costs are higher than in Victoria, and higher than the national average; its corporate and learning services support costs are higher than elsewhere in Australia; and its outputs are lower than in Victoria and lower than the national average.

The Oliphant report recommended that the role of the Learning Services Division be redefined to meet the needs of its clients and those of the institute as a whole, and that a structure in keeping with that role must be developed. It also recommended a program of staff reductions, amounting to savings of \$1.4m or 25 positions, by the year 2001. The committee understands that the CIT intends to make these savings. The Minister advised the committee that the Oliphant report proposed efficiencies in non-teaching areas.

The Australian Education Union expressed serious concerns about interpreting best practice in terms of the delivery costs of training in Victoria. It pointed out that, while Victoria has the lowest costs, it has been advised that some TAFE institutions in that State are experiencing severe difficulties and could be facing closure. The committee was advised that at the time of the meeting, in December 1998, the Government had not made any decisions on the level of benchmarking.

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On the performance of the CIT, the Oliphant report bases its analysis and recommendations on published data from the Australian National Training Authority. This data shows that the ACT has the second highest costs for vocational education and training in Australia. The CIT provides 97 per cent of vocational education and training in the ACT.

The Australian Education Union strongly contested some of that data. In particular, the Australian Education Union claimed that the real costs for the ACT are lower than those reported nationally, adjusting for State differences not addressed by ANTA in the published data; CIT exceeded its annual curriculum hours targets for 1997 by several hundred thousand hours; the non-CIT sector did not achieve its 1997 targets, which is damaging the CIT; the government-funded module completion rates in the ACT are higher than the national average; and some of the review report's basic tenets are not supported by nationally published data and therefore the report's recommendations cannot be sustained.

The 1997 ANTA assessment of vocational education and training unit costs places the ACT as the second most expensive in the country at \$15.60 per public annual curriculum hour. The ACT asked ANTA to make some adjustments to the ACT calculations. ANTA noted these adjustments as a footnote. The adjusted ACT unit cost is \$14.63. This still leaves the ACT as the second most expensive in the country.

The Minister challenged some of the AEU's assertions and agreed fully with others. This is where the Minister agreed with the AEU. In relation to the real costs for the ACT, the Minister agreed with the AEU on a number of specific matters relating to the ANTA data. These are as follows: The relative ACT performance has been affected by continuing to report on scheduled hours rather than curriculum hours. A more detailed analysis of the nature, extent and accounting for recognition of prior learning is required. The Minister went on to say the fact that the ACT declares three times the national average RPL, that is recognition of prior learning, signifies the pressing need to review the quality of CIT data, and, if sustained, how RPL effort is recognised. The Australian Education Union made reasonable points in relation to participation rates in VET by language spoken at home.

Turning now to where the Minister disagreed with the AEU, in relation to the Australian Education Union's claim that the real costs for the ACT are lower than those published in the ANTA report, while accepting those points already mentioned, the Minister asserted that the AEU's analysis assumed that ANTA benchmarking data could be used selectively. He also pointed out that all of the figures contained in the data analysis were provided by the department in consultation with the CIT, and data from all States and Territories is subject to external audit. The ANTA data clearly shows that while the ACT has reduced its costs by three times the national average, it is still, by comparison with other States, expensive.

In relation to the AEU's claim that private providers are dragging the ACT down through underachievement, the Minister advised the committee that all contracted training providers deliver at least the number of hours specified in the contract. The Minister further advised that how the delivery of those hours is reported depends on when the contracted training is delivered. In fact, according to the Minister, the private providers exceeded the hours planned.

In relation to the AEU's claim that some of the Oliphant report's basic tenets are not supported by nationally published data and therefore the report's recommendations cannot be sustained, the Minister claimed that the AEU had been selective in the data it examined.

On the issue of future public funding for the CIT, the Minister told the committee that, in determining the CIT's market-based price, the Government determined the 1998-99 GPO by reference to the Australian average VET costs per adjusted annual hour of curriculum. If CIT is to meet the national average, it will need to reduce its costs by 27 per cent.

Government payment for outputs plus the operating injection have reduced the operating deficit to \$5.6m in 1998-99. The forward estimates show that operating result deteriorating by 2001 to 2002 as the operating injection is decreased. The CIT also generates about 16 per cent of its total revenue from non-ACT government sources, such as contestable funding, user charges and Commonwealth grants.

The Government told the committee that it is committed to increased access to training, with vocational education and training hours expected to grow by 40,000 hours in each of the next three years. However, since the Commonwealth has stopped injections of funding, any growth has to be made through efficiencies. In other words, the CIT has to do more with less.

The AEU pointed out that, given that employee expenses account for a large proportion of the CIT's budget, there is not much room to move in making efficiencies without reducing teacher conditions, increasing class sizes and further casualising the work force. Information provided to the AEU by the CIT as background for the enterprise bargaining discussions shows a reduction in expenditure of \$10m over the next three years. When the committee asked the Minister to comment on this projected reduction, the Minister referred the committee to the 1998-99 budget and declined to make any other comment.

Another area of concern to the AEU is loss of funding to the CIT through increased contestability. At present 10 per cent of the vocational education and training budget is allocated by contestable means. This will increase to 15 per cent in 1999-2000. The Minister advised the committee that the CIT is expected to win a large percentage of those funds back. Nevertheless, there will be some loss to the CIT.

The committee concluded it would be most disturbed if reductions in public funding to the CIT were based on benchmarking with Victoria; resulted in any lowering of standards or limiting of access to courses; resulted in the CIT not being able to meet its community service obligations to disadvantaged groups in the community; or resulted in the CIT not having the resources to apply for contestable funding.

In conclusion, the meeting and information provided since highlight the need for continued scrutiny of the CIT budget to ensure that the CIT is adequately funded to provide quality programs which are responsive to the needs of industry, students and the community. There are a number of complex issues relating to CIT funding which need to be explored further, and the committee urges the Select Committee on Estimates to take a very close look at what is happening.

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In addition, since the Minister stated to the committee that “the CIT is and will remain the primary deliverer of vocational education and training services”, the committee will have an ongoing interest in monitoring how the Government fulfils this commitment to public sector delivery of vocational education and training. This is particularly important because the committee was told in the briefing that community service obligations have not been separately identified for the sector in the purchasing arrangements, and at the same time there is obviously ongoing pressure to become more efficient.

MR STEFANIAK (Minister for Education): I seek leave to make a statement on the same matter.

Leave granted.

MR STEFANIAK: I note the comments Ms Tucker referred to. No doubt I will be given a copy of that soon. The Government thanks the committee for the effort of producing that paper. We are very keen to ensure that the CIT does its job in terms of producing a wide variety of vocational education and training courses as efficiently as possible. I think the two are very important. It does a very good job. It will continue to do so into the twenty-first century. It is the major provider of training in the ACT and it has an excellent reputation. That is not to say, as raised in that report, that things cannot be done more efficiently, and I think that is equally important.

I thank the committee for its efforts. I will read the paper with interest. I note the committee’s ongoing interest and the comments it makes there.

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on.

PAYROLL TAX (AMENDMENT) BILL 1999

Debate resumed from 25 March 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (11.42): Mr Speaker, we have examined this Bill and have read relevant legal precedents that have been set recently. We accept this Bill as one that addresses potential problems in defining responsibility for the payment of payroll tax, so we commit one of those little leaps of faith and support it.

MS CARNELL (Chief Minister and Treasurer) (11.43), in reply: Mr Speaker, I thank members for their support for this piece of legislation which, as Mr Quinlan says, will ensure that payroll tax is payable as appropriate in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1999

Debate resumed from 25 March 1999, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR BERRY (11.44): Mr Speaker, whilst this Bill appears on the surface to be fairly straightforward, there are issues of concern. This morning I was able to talk with the union which covers public servants and they tell me that they have not been contacted by the Government or involved in this in any way. That would come as no surprise to anybody. Here we are a fortnight or so after it was introduced and there has been no consultation whatsoever with the union.

I have contacted the union but we have not been able to sit down and formally analyse the union's position in relation to any of these matters. So, on that ground alone, Mr Speaker, I think there is a strong argument that the Government ought to amend this or to adjourn this with a view to having that consultation. As I said, I have not yet had time to fully consult with the union, although I have had brief discussions with it in respect of the matter, understanding that the Government was to move ahead with it today. I had a briefing in relation to the matter when I learnt that it was going to be brought on this week, and that has been helpful. I would like to thank those officers who made their time available to brief me in relation to the matter.

I will now deal with some of the issues contained in the amendment Bill. Clause 4 of the amendment Bill talks about some amendments to the principal Act in relation to offences against laws in other States and Territories, and the explanatory memorandum sets out in detail what this is intended to achieve. I do not have any particular difficulty with this because it essentially says that an offence against the law of a State or another Territory will be dealt with in much the same way as an offence against an ACT law or a Commonwealth law. It was apparently some sort of oversight in the original drafting of the legislation. I accept that and that would make sense. It is a sensible amendment.

Clause 5 talks about the appointments on probation of training offices and teaching offices. That is straightforward. That is a sensible amendment and it would be supported. Clause 6 is a technical change which would be acceptable because it deals with an error in the principal Act. This corrects the matter.

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Clause 7, though, is a different issue. Clause 7 allows the engagement of certain former officers and employees, in particular, executives and senior executive officers. Mr Speaker, the explanatory memorandum describes the reasons for the proposed amendment and it says:

The changed provision will parallel existing provisions applying to other public employees.

Well, that is untrue. What happens to other public employees when they are made redundant is that they are paid certain benefits in relation to previous employment. For example, they receive two weeks pay for every year of service, up to a maximum of 48 weeks. They receive three times their superannuation entitlements in some respects. They also receive everything they own - that is, accrued long service leave, annual leave and any other accrued leave. That is for previous employment.

In the case of senior executives it is quite different because they are on short-term contracts and they do not accrue those benefits. If they are paid out they are not paid for prior service. The only way that they can be paid out if their contract is concluded earlier than was intended is for the Executive to make provision for a special benefit. That is a standard clause which appears in senior executives' contracts. The Executive can make provision for a special benefit. A special benefit would take into account the remaining part of the contract.

Ms Carnell: Not always, no.

MR BERRY: Ms Carnell interjects, "not always".

Ms Carnell: Well, never in my - - -

MR BERRY: It depends on whether the public servant is going to scream about their contract being ended and go off to the courts. If they were to go off to the courts, like one public servant had to, they would receive payment for that part of the contract which was breached. It is all about the remainder of the contract and what the former employee would wear or have a right to were he or she to pursue the matter in the courts.

Now, this is the rub. If these people were paid out for the future part of their contract and then were re-engaged they would be being paid twice. That is not the case with other employees. It is quite a different set of circumstances and I am yet to be convinced that I should support that particular amendment. I think it is flawed.

When I was looking at this matter I had my attention drawn to section 114 of the Public Sector Management Act which deals with the engagement of certain former officers as employees and contracts with certain former officers, and it goes into great detail about how employees other than executives and chief executive officers might be re-employed. I will quote the section. It says:

... if the person has -

- (c) within the previous year and before the day fixed for the purposes of subsection 2(2) of the Public Sector Management (Amendment) Act 1995 been retired as an officer under section 128 or 137.

So I thought, "This will be interesting; I will duck over to section 128 and section 137", and, do you know, they are not there. They are gone. They were repealed some time earlier. If you look at the Public Sector Management Act, on page 77 the last clause mentioned is clause 121, and the next clause mentioned over the page is clause 139. There is this great big gap in the legislation which apparently resulted from a repeal some time ago. In the reprint of the legislation it has not been sorted out.

I am not sure of what the reference to those sections means in relation to section 114 because I really have not had time to address the issue, but I think that needs to be tidied up. Maybe it does not need to be tidied up at this moment, but it certainly needs to be tidied up. There is something wrong with it. It points to the haste with which this thing has been brought into the Assembly.

I will take a bit of convincing that the next matter I want to talk about should be supported. This is in relation to management standards. The approval of management standards by a disallowable instrument now can only be conducted by the Chief Minister. The intention of this amendment is to switch that responsibility to the Public Service Commissioner within boundaries set by the Chief Minister. So, what is potentially a political decision is switched to the Public Service Commissioner within boundaries set by the Chief Minister, and they have to be approved by the Chief Minister. The boundaries, incidentally, are not disallowable instruments; only the decision of the Public Service Commissioner.

What this has the effect of doing is switching, if you like, the limelight off the decision-maker onto the Public Service Commissioner when it comes to the disallowance, if it were the choice of the Assembly, of that instrument here in the Assembly. The case has not been made out for this. When I was briefed in relation to this matter I was given the impression that this is rarely used. This is not an onerous task that the Chief Minister has to perform. It rarely happens. Once you become familiar with the way the Government operates you often resort to those elements of a suspicious nature that you might not otherwise resort to. I am a little bit suspicious of this, and the case has not been made out for why this should be supported. So, Mr Speaker, I do not believe that should be supported. I am yet to be convinced that it should be.

Mr Speaker, the other amendments proposed by the Government are not matters which I need to comment on because I think they could be quite satisfactory, but I go back to my original point. The union which represents public servants was not consulted about this and they have a particular interest in it. They have not even been sent a copy of it by the Government. I sent them a copy but the Government has not even bothered to send them a copy. These are the representatives of their employees.

I have not had time to have a formal discussion but I have had a couple of telephone discussions with union officers in relation to the matter just to get a bit of a feel for what the Government was up to in relation to these amendments. On the face of it there are some matters in here which Labor would be happy to support in the detail stage,

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but there are some that we would not be happy to support. It has been suggested that this debate might be adjourned. If other members are interested in adjourning it, we would support that. If the Government insists on pushing it through today - - -

Ms Carnell: No, the Government has never insisted on it. The Government is happy for an adjournment.

MR BERRY: Well, hop up and adjourn it, and that will be the end of it. We can deal with it some other time. If you want to get these things through quickly I think it is extremely important to talk to the people who are concerned. The first point of call, I would suggest, is the organisation which represents the employees that are mostly affected by it, and that has not been done.

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

POISONS AND DRUGS (AMENDMENT) BILL 1999

Debate resumed from 25 March 1999, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.58): Mr Speaker, the Opposition is happy to support this piece of legislation. The Bill was introduced by the Minister for Health on 25 March. It is another piece of legislation with a very short gestation period. The Bill gives effect to the agreement between State and Territory Health Ministers to allow the advertising of pharmacist-only medicines identified on a product-by-product basis by the National Drugs and Poisons Schedule Committee which publishes the standard for the uniform scheduling of drugs and poisons under the auspices of the Australian Health Ministers Advisory Council.

The current Act prohibits the advertising of pharmacist-only medicines except in publications intended for circulation only within the medical, nursing, veterinary, dental or pharmaceutical professions or the wholesale drug industry. Examples of pharmacist-only medicines which we are advised will be permitted to be advertised to the general public are such things as some non-sedating antihistamines, drugs such as for the treatment of spasm of the gastrointestinal tract, preparations for hair growth promotion, and things such as nicotine patches and chewing gum as aids to smoking cessation.

The Opposition agrees with the Government that permitting these drugs to be advertised more widely will assist in making the general public more aware of what treatments are available without prescription from their local pharmacist. We share the view that the Government obviously has that allowing that to happen is an aid to the general community. We believe this is reasonable legislation and we are happy to support it, Mr Speaker.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.00): Mr Speaker, acting for my colleague the Minister for Health, I thank the Opposition for its support for the Bill and I hope it does lead to more effective management of those particular pharmaceuticals referred to.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

A.C.T. DRUG STRATEGY - 1999 DRAFT PAPER

[COGNATE PAPER:

OUTCOMES OF THE SPECIAL COUNCIL OF AUSTRALIAN GOVERNMENTS - NATIONAL APPROACH TO ILLICIT DRUG USE Ministerial Statement]

Debate resumed from 25 March 1999, on motion by **Mr Moore**:

That the Assembly takes note of the paper.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 7, Executive business, relating to the ministerial statement on outcomes of the Special Council of Australian Governments on a national approach to illicit drug use? There being no objection, that course will be followed. I remind members in debating order of the day No. 6 they may also address their remarks to order of the day No. 7, Executive business relating to the ministerial statement on the outcomes of the Special Council of Australian Governments on a national approach to illicit drug use.

MR BERRY (12.01): In looking at the issue of a drug strategy for the ACT you first of all have to look at the history of drug use in Australia. We can all recall the discussion about how drugs like heroin were available from your local pharmacy in the 1950s. Some of us can talk about it and some of us can remember it. Those were the days when many people were receiving heroin and other drugs, but heroin, in particular, as a medication and became addicted to the drug. Authorities at the time decided that this was inappropriate and subsequently banned the drug. Since that day there has been an increase in use of heroin in the black market which has led us to today's crisis, if you like, in the abuse of what is now an illicit drug and other illicit drugs.

The ACT drug strategy, of course, has to blend in some way with what is going on in other States. It is extremely important that we address the issue in the Territory, principally because of the effect that it has on individual users, but not forgetting the impact that it has on the community and the families of people who are dependent on a particular drug. We ought not maintain our focus just on heroin. That is the high

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profile drug that receives most of the media attention. There are many other drugs, both illicit and legal, which are abused by people in the community, so this strategy has to take into account, at the end of the day, the abuse of those particular substances.

In recent times there has been a smattering of attention given to law enforcement from the community. There are many in the community who believe that there should be a harder line taken on drugs. Many in the community support a strategy which could be aptly described as a war on drugs. Indeed, I think what they really mean is a war on drug users and drug peddlers, but I think that falls short of the mark if you want to deal with this issue in a socially responsible way.

We have heard the debates about a heroin trial. We are now in the centre of a debate about a drug injecting room for heroin users. All of these issues will play a role in the development of our approach to drugs in the future. None of them is a silver bullet. Indeed, in my view - this is my view alone - heroin should be available as part of programs so that people can get their lives back together, but I also feel that abstinence still has to remain part of a strategy otherwise it will not be manageable, principally because the community will not accept maintenance as the basis of any drug strategy. The community will not accept that.

I say that with the fact in the back of my mind that for years governments here and in other places have embarked on maintenance strategies with methadone. Methadone is not a pretty drug either. I think with more information about the use of heroin we can get a little bit closer to a solution which the community will accept. When I came here in 1989 and methadone was described to me, I remember asking why on earth can we not just use heroin instead, or as part of the program. It pretty soon became clear to me that that was not possible then. I remember in earlier years - I think it was 1991 or thereabouts - raising this issue at a ministerial drug council and watching the blood drain from the faces of some of my ministerial colleagues across the table. Nevertheless, this debate has gone on for some years, and it will go on for some years hence, undoubtedly. Part of the pace of change has to be driven by a sensible approach which is not wildly out of step with community attitudes.

I have to say that I have been critical in the past of the way the drug issue has been discussed here in the ACT, and I continue to be reserved about the way that the Government is handling the issue. In fact, there has been insufficient public effort, and effort in practice, in my view, in the area of education. That was highlighted just a little while ago when we discovered how little is spent on education in relation to this matter. Other colleagues will have a lot more to say about this matter. I am sure that they will go to many other details which will create an interesting debate about this issue. It is a key issue for the development of society and our social structures, and I personally welcome the debate.

MR STANHOPE (Leader of the Opposition) (12.09): Mr Speaker, I and the Labor Party welcome the release of the draft ACT drug strategy 1999. The ACT draft drug strategy seeks to link a host of ACT-related strategies, including those in the areas of youth, police, health, Aboriginal and Torres Strait Islander health plans and education policies. The strategy also outlines the need to maintain continued links with community

groups, individuals and government and non-government agencies to ensure successful outcomes. This is, surely, an approach that all members, and indeed the Labor Party, support.

I note that the strategy includes a section on coordination, collaboration and consultation, and I note that the Minister expresses his commitment to consultation. I do note, however, that the Government has provided until only 30 April of this year, a month after the release of the strategy, for public comment. I must say, Mr Speaker, given the number of competing priorities in the strategy and the complexity of the issues and their difficulty, I believe that the Minister and the Government should extend the deadline for community input, particularly since the given time for responses did include Easter and the school holidays. I do hope that the Minister might give some consideration to extending the deadline for community consultation.

In recent weeks there has been a groundswell of media and political attention surrounding the issue of illicit drugs. Following the Premiers Conference this month, a communique was signed by politicians around the country. The document saw a commitment from the Federal Government to provide funding for expanded treatments, with the States and Territories providing diversionary programs from courts to treatment programs and protocols for assessing users. Governments also committed themselves to developing strategies to stop the supply of drugs in prisons, to take stronger action to combat the drug supply into Australia, and to develop stronger measures to fight drugs in schools. In addition, the Commonwealth agreed to fast-track consideration of listing naltrexone on the pharmaceutical benefits scheme - a significant move, although by no means the only treatment worthy of Commonwealth support.

The introduction of this communique means that drug users who qualify will be diverted from the criminal justice system onto the road of rehabilitation. There has been much comment about concerns that the diversion of users into treatment centres will not work if offenders are forced to undertake compulsory treatment. A related issue is the lack of resources.

New South Wales introduced a drug court in February this year. Under this scheme the court has access to just six detoxification beds for men and one for women. The limited number of beds dictates how many people can be diverted to treatment programs at any one time, and of course has a serious impact on whether or not a scheme so poorly resourced can be appropriately monitored or assessed.

In the ACT we have our own form of drug court, and we have had it for many years. Under the Drugs of Dependence Act 1989, provision is made for our courts to issue treatment orders whereupon offenders, after assessment by a professional panel, are ordered to submit themselves to approved treatment. The year to date figures show that of the drug offenders appearing before the courts, all were issued with assessment orders, and, of those, 79 per cent were issued with treatment orders.

As yet we have no indication of how much funding will be provided to the ACT under the drugs package. However, we can roughly assume, I am led to believe, that about 2 per cent of the \$220m will flow to the ACT. I have to say that it is disappointing that

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we in the ACT will receive such a minimal amount of that funding. It is also a matter of some concern that the funding will expire after four years, and there is doubt about whether or not recurrent funding will be found once this pool dries up.

The Labor Party does believe that it is time - I think this is an imperative that the Minister should take into account - that the existing programs be placed under scrutiny and that we genuinely attempt to adequately determine which programs are working effectively and which are not. What are the success rates of detoxification and rehabilitation programs to date in the ACT? The evaluation data of the previous drug strategy highlighted the lack of useful and comparable ACT data in relation to drug and alcohol use. Subsequently the drug strategy notes the need for clear evaluation mechanisms and performance indicators in the provision of alcohol and other drug-related services.

It is certainly imperative that data in this area be collected, collated and analysed effectively to ensure drug and alcohol programs are funded accordingly and appropriately. It is a welcome addition to the drug strategy that there is to be action to address these problems. We all hope that there will be a real effort at assessing the effectiveness of existing programs. I believe that the lack of effective assessment of programs is a major concern in terms of where we are going with our drug programs, not only in the ACT but Australia wide.

There are other priority areas highlighted in the drug strategy, including women, and particularly women with children. We do note that the ACT and Federal governments recently announced funding of \$307,000 to the Toora Wimmin's Shelter to expand training offered to service providers on the needs of women affected by illicit drug use. That certainly is something that we all welcome. That is a priority that was previously recognised in the ACT, and it is good to see steps taken to address that particular need.

Combined with that was the announcement by the ACT and Federal governments of an additional \$3m to fund comprehensive residential treatment services for adolescents. Teenage Canberrans with drug and alcohol problems will now be able to be rehabilitated in Canberra without the inconvenience of having to travel interstate to access or to look for or to seek out potential rehabilitation. The Labor Party commends this initiative and looks forward to seeing a detailed plan of the proposed facility and the services, assuming that they do go more broadly than just the provision of rehabilitation services. I hope that the Minister, in planning for adolescent rehabilitation, will look more broadly than just the provision of a residential service. I believe from my discussions with him that he will be doing that.

In identifying priorities and allocating resources to drug and alcohol programs, we must also make a commitment to providing adequate support systems to complement these services. For example, accessible counselling services and follow-up programs are essential when dealing with addictions that arise as much from social dysfunction as chemical addiction.

A further priority area within the strategy is to improve access to mainstream services for people of Aboriginal and Torres Strait Islander descent and those from culturally and linguistically diverse backgrounds. There is much recent data available about the dramatically higher rates of smoking in indigenous communities, as well as issues in

relation to alcohol and drug problems. This is an area that I do not believe we in the ACT have directed significant resources or attention to. It is, I believe, a seriously unmet need within the provision of drug services in Canberra. I would hope that we in the ACT can find our way to providing additional resources and attention to this area. I commend it as an area that I believe the Minister does need to personally address.

Mr Moore: Are you talking about the broad Aboriginal and Torres Strait Islander?

MR STANHOPE: Yes, just the broad Aboriginal and Torres Strait Islander community. I believe it is a recognised area of unmet need in the ACT, and I believe it has now moved to the top of the list of priorities in terms of gaps in the ACT.

The prioritisation and efficient use of resources are essential in all areas of government, and funding drug programs is no exception. The recent media hype surrounding proposed heroin trials seems to have shifted the focus away from providing sufficient educational programs, treatment centres and improved access to alternative treatments. While we do not discount the possibility of a heroin trial, and my colleague Mr Berry spoke of this just a minute ago, the Labor Party believes there are priority programs which must be sufficiently resourced before we begin to debate the merits of a heroin trial.

At the moment the Liberal Party's rank and file, it must be said, are having trouble coming to terms with the proposed safe injecting place trial, and I stress the word "trial". It would certainly appear that Mr Moore is not through the woods yet with this proposal. As we heard last week, rank and file Liberal Party members have passed a resolution calling on the parliamentary party to take no further action on the matter without a referendum. It is amazing to me and to many others in the community that Mrs Carnell continues to loudly canvass that proposal without substantial or perhaps any backing from her own party. That does leave us to ask the question, having regard to the anarchy within the Government on drugs issues: What other parts of Mr Moore's policies in relation to drugs will suffer similar censure from the Liberal Party party room and from the Liberal Party itself? (*Extension of time granted*)

The Assembly would be aware that the Labor Party supports the implementation of a safe injecting room, provided the surrounding substantial legal issues are adequately addressed. Furthermore, we would need to be assured that funding for the trial is not drawn from existing health budgets. Additionally, there must be adequate planning and ongoing consultation with community stakeholders, including not only the shop owners and other particularly affected residents but also the police and the DPP.

There are a number of issues that we believe still need to be settled. We look forward to being part of a continuing debate on the issue of a safe injecting place and are happy to work with the Minister to see whether or not the remaining problems, as we see them, can be resolved. We should also add that there must be in place a suitable mechanism to ensure a comprehensive evaluation and analysis of the trial during its operation and once it is completed.

As the Labor Party and the Greens MLA, Ms Tucker, noted, the safe injecting place must not, however, be singled out as an individual priority but must be part of a broader drug strategy. It is not the only priority and it is not the highest priority in the drug strategy,

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but merely one of many. In an effort to encourage similar discourse in the ACT, I acknowledge that Ms Tucker brought to Mr Moore's attention a series of drug forums in Melbourne. These forums encouraged informed discussion and sharing of best practice responses concerning drug issues. In response to this information, Mr Moore did organise a forum on safe injecting places and, following the forum, the injecting place proposal was finally placed in context with the release of this strategy.

Included in the strategy is the commitment to the provision of a range of treatment and harm reduction options, including methadone treatment. During Mr Moore's absence recently, the Chief Minister allocated an additional \$50,000 to fund an extra 50 places on the methadone program. Mrs Carnell's additional allocation is commendable. However, the funding did little to address the growing waiting list. I understand that there are still between 60 and 70 clients on the list, which is currently, I am told, around four weeks long. This is an excessive delay and it means that clients who cannot go onto the program are forced to go back to using illicit drugs and whatever practices they employ to fund their habit.

There are several problems with that program that do require attention. Firstly, as I just indicated, there are more clients than places. To rectify this, additional funding is required. Secondly, according to those in the industry, the current mechanism for assessing who is eligible for methadone treatment does not work effectively. It would seem that this does need to be examined and improved.

I note that the strategy mentions consideration of complementary private clinics. I would remind Mr Moore, and I am sure he needs no reminding, that he ruled out privatisation and increased methadone charges earlier this year.

The drug strategy refers to the difficulties involved in providing services for people with a dual diagnosis of mental illness and problematic substance use. The Minister reports that he anticipated a consultants' report addressing the problem to be presented last month, with recommendations on a changed management process and mechanisms for the inclusion of consumers and carers in service planning and delivery. The Labor Party looks forward to commenting on this report.

One of the more crucial areas of development within the strategy is the proposed policy for dealing with prisoners with substance abuse problems. The strategy outlines support for harm minimisation strategies, drug and alcohol counselling and information. The ACT - we are all aware of this and we should not forget it - has a unique opportunity to create a prison which incorporates world best practices in every aspect of its planning and design. Drug aspects should not be any exception, and I welcome Mr Moore's commitment to recognising the special needs of prisoners. However, and I do not want to labour the point, given the Liberal Party's propensity to divide on drug issues, it remains to be seen whether other Ministers will be as keen to adhere to the principles of harm minimisation.

Additionally, the strategy refers to the above approaches being considered by the ACT Corrections Health Board in relation to current detainees in the Belconnen Remand Centre and Quamby. The Labor Party believes there is no reason to wait for the ACT

prison to be built before existing prisoners are provided with effective counselling, detoxification, maintenance and rehabilitation programs, and it would be good to see the Government moving in that area.

Injecting drug users, men, infectious disease transmission and survivors of sexual assault and other trauma are also identified as priority areas under the strategy, and action plans for further development of strategies have been integrated into this draft. Labor acknowledges the significance of these areas and welcomes these initiatives. However, I must say - this goes back to the point that I made earlier - that since public submissions have not yet closed, we realise there will be additional input which will also need to be considered and where necessary incorporated into the strategy. I believe that, before we conclude debate on this issue of the draft drugs strategy, it is vital that we do have the opportunity of accessing the submissions made by the community, those that are providing these services. The comments I make today are subject to the rider that I would like a further opportunity, upon receipt of those submissions, to be engaged further in this debate.

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

MR KAINE (12.24): I will try not to use more than the five minutes that remain before lunch. Mr Speaker, I have to say that I am somewhat ambivalent in my approach to the document that has been tabled and called an ACT drug strategy. In fact, it is nowhere near a drug strategy. It focuses on health aspects of drug abuse. I wonder how long it is going to be before the Government tackles the whole question of drug abuse and the problems that arise from it and produces a strategy that deals with that subject and not just a part of it. The report itself acknowledges that it only deals with that. In fact, it specifically excludes consideration of control. It refers to an AFP document and says that is the policy for the control of importation and distribution and associated crime. I do not know how the Government can put this document forward and claim that it is a comprehensive policy. It acknowledges itself that it is not, and I would like to see a strategy that covers the lot.

In fact, I was rather disturbed to see, after we have just recently had an evaluation of a three-year program, that on page 7, in the introduction to this document, it says, "strategies must be developed and implemented". What the hell have we doing for four years? This is the fourth year and we are told in the introduction that these strategies must be developed and implemented. I agree, but I would have thought that in the fourth year of a program we would have had those strategies developed, in place and being implemented, not just being hinted at and suggested.

We seem to be dealing with this problem in a half-hearted way. We are not really serious about it. We write lots of words in lots of documents. You have documents everywhere. But what, in fact, has been achieved so far? Even the evaluation of the first three-year program gives no clear indication of how far we have progressed in the last three years. There are no evaluation criteria which are considered in this evaluation, and yet our new document says we are building on that one. Since we do not know how much was spent on the last three years' strategy and what the results have been in effective terms of combating the problem, how can we know that this is going to take us anywhere? But there are lots of good words in here. So my general response is, Mr Speaker, that it is an inadequate strategy.

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Secondly, it does not tell us how far we have gone and how much further we have to go, and what, in fact, we are going to do specifically to deal with that. For example, the Government has been talking consistently about putting into effect a more comprehensive needle exchange program and a safe injecting house, a so-called safe injecting house, and a heroin trial. What does this document say about that?

In connection with both, it refers to an investigation of these two things. How come the Government has been so positive about going ahead with both of these things - they have been positive about it; no half-hearted approach at all - when their own strategy says that for the next couple of years we will be investigating? We will support the investigation of a scientific trial of a safe injecting facility and support the investigation of a scientific trial of controlled heroin provision. Where are we with these things? I am more confused about what the Government's intentions are and where they are going than I was before I read this document. So I have to say that I am not very impressed with it.

The first three-year study proves that it was more process oriented than achievement oriented. Its evaluation makes that quite clear. Are we going to go through another two to three years of process evaluation and navel gazing about how we might go about doing something useful?

There is a point made in there that there is a lack of useful and comparable ACT data. How then can the Government make policy decisions if they do not have any ACT data on which to base them? In other words, we are making policy decisions totally in a knowledge vacuum. How can the Government justify that? More good words, but let us have some practical application.

Mr Speaker, as I say, I am very concerned. This problem has been well defined. We know that there is an enormous problem. We know that it is an increasing problem. But I do not see anything in this document that tells me or the community out there that this is what we are doing positively to combat that problem. Even insofar as it deals with the problem, it is only one aspect of the problem. Where is the comprehensive government policy document that talks about all aspects of the drug problem and what they intend to do about it? The Minister for Health clearly has a particular interest. The other members of the Government do not seem to have any interest because if they did this policy document would go much further than it does.

Mr Speaker, I must say I am exceedingly disappointed. I am not saying that there is not good material in here. I have to give the Minister credit. There is much good work being done but it is only addressing part of the problem. In fact, it is only addressing the symptoms in terms of the health problem. There is much more to the drug problem than that, and I wish the rest of the Government, other than the Minister for Health, would get off their butts and do something, as he is attempting to do in his own specialised field. Mr Speaker, it is a most disappointing document, purporting to be a government drug strategy, but it is nothing of the kind.

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

Sitting suspended from 12.32 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hepatitis C

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. According to an announcement by the Minister in August 1998, the Government was going to use legislation to establish a scheme to compensate people who contracted hepatitis C from contaminated blood transfusions. On 25 March, in answer to a question from me, the Minister said he would not be using legislation but rather had put a scheme in place to deal with compensation claims. Yesterday the Minister tabled a further answer to my question. In light of the information provided in yesterday's answer, can the Minister say whether it is true to say that there is in fact no scheme at all and that each case will now be litigated separately, managed in the same manner as out-of-court settlements and based on the same principles as legal settlements?

MR MOORE: Thank you for the question, Mr Stanhope. No, that is not true. It is largely true that things will be negotiated in the same way as is done in other States. The major difference in the plan set up in Canberra is that we are prepared to offer compensation to people who are haemophiliacs, and we are doing that by provision of a grant to the Haemophilia Association to be handled by them. That is a major significant difference from others.

It was very important when we began negotiations with the Commonwealth to ensure that the Commonwealth was able to contribute to this and to ensure, when we put the scheme together, that there would be no further litigation beyond any scheme that we put together. That being the case, we had a choice really between whether we would remove people's common-law rights by legislation or allow them the weight of the law. The choice made by this Government was to allow people to have their common-law rights under the law and to try to manage that in the most effective way that we possibly could. That is what we are doing.

MR SPEAKER: Do you have a supplementary question, Mr Stanhope?

MR STANHOPE: Yes, Mr Speaker. Can the Minister advise the Assembly whether claimants will be given assistance with their legal expenses as they pursue compensation?

MR MOORE: I will take that question on notice and come back to you, Mr Stanhope.

DISTINGUISHED VISITORS

MR SPEAKER: I would like to inform members of the presence in the gallery of members of a government delegation from the Philippines studying public sector financial reform. The delegation is led by Secretary Benjamin Diokno, the head of the Department of Budget Management. On behalf of all members, I bid you a warm welcome.

QUESTIONS WITHOUT NOTICE

ACTEW - Proposed Merger

MR QUINLAN: Mr Speaker, my question is to the Chief Minister. During the ACTEW privatisation debate the forces of light and reason effectively dismissed profitability from electricity retail activities in valuations of the enterprise, including only profitability on electricity distribution activities along with water and sewerage operations. We relied upon ACTEW's own forward estimates, which ABN AMRO thought sufficient of to incorporate into their report on their scoping study. We did so because the major rationale put forward to justify the proposed sale was the risk facing those earnings and their questionable sustainability. Will the Chief Minister, contrary to some of yesterday's statements, concede that the current earning level of GSE would be a very poor base for valuation for the enterprise in any merger negotiations?

MS CARNELL: Mr Speaker, again I will answer the question. Again, Mr Speaker. A working party has been set up between the New South Wales Labor Government and the ACT Government. It is being headed up by the heads of treasury in both areas - a Labor State and a Liberal Territory. Those particular people and the working party will look at the proposed merger to see if it really does have the capacity to give two small electricity distributors an opportunity to have a much more solid future and to be able to achieve the sorts of price levels that will be needed now and into the future to be able to compete in a very competitive market.

Mr Speaker, the sorts of things that will be looked at by that working party are such things as the valuations of the two entities, cross-border issues with regard to regulation, the various prices of electricity and, obviously, other issues as well. It will then be recommended to both governments as to which direction to take; or whether the merger is even an option, Mr Speaker. It certainly would appear, at least to me, looking at all of the issues that we have on the table at the moment, that a merger just may be the way forward for both Great Southern and ACTEW. It certainly gives both of those entities a capacity to compete in the market.

Mr Quinlan asked a question again that is based on pure supposition, Mr Speaker. Issues will need to be addressed, there is no doubt, but a valuation will be carried out on both entities, based upon normal valuation approaches. These normally are cash flow, profitability, all the sorts of issues that are usually taken into account when assessing the value of two entities that may, if everything pans out, merge in the future. Of course, at the end of the day, this Assembly will be the entity that makes the decision.

MR QUINLAN: I have a supplementary question. Will the Chief Minister discuss with her representative on the working party the very logical process of limiting ourselves to asset valuations and the earning capacities of the natural monopolies of electricity distribution, water and sewerage services, thus avoiding leaving ourselves in a bargaining position which could even be weaker than that we find ourselves in in relation to Bruce Stadium, where we have spent money on development and we have not even negotiated on its acquisition?

MS CARNELL: Mr Speaker, there are actually two questions there. One is with regard to Bruce Stadium and one is with regard to ACTEW.

MR SPEAKER: The Bruce Stadium one can be ignored because it is not part of the original question.

MS CARNELL: Thank you very much, Mr Speaker. I can guarantee that the ACT representative on the working party will take everything into account that is relevant to the valuation of ACTEW and to the best interests of the Territory. With regard to valuations of ACTEW, though, recently I wrote to Mr Quinlan, as chair of the Chief Minister's committee, with regard to a valuation of ACTEW that those opposite embraced in the ACTEW sale debate, and that was the Australia Institute's valuation. The Australia Institute, of course - and those people put it on the table, Mr Speaker - claimed that ACTEW was worth \$1.7 billion, and that was one of the reasons why we must not go ahead with the sale. They put that to the crossbenchers, Mr Speaker.

So, Mr Speaker, I wrote to Mr Quinlan asking Mr Quinlan for his okay to add that valuation into our balance sheet. Fairly obviously, if Mr Quinlan and that side of the house believed that was the valuation that should have been used and, really, we were losing money by thinking about going to the market at \$1.1 billion or \$1.2 billion when it was really worth \$1.7 billion, then Mr Quinlan would have no trouble in putting \$1.7 billion as the valuation into our balance sheet. Of course, Mr Speaker, that would have wiped out our operating loss in one go and was truly stupid. But, guess what, Mr Speaker? Mr Quinlan wrote back and said, no, he did not think that was such a good idea. It was not such a good idea now, Mr Speaker, but those on that side of the house were quite happy to get up and argue that \$1.7 billion was actually the valuation during the debate. In other words, Mr Speaker, they misled this Assembly. They misled this Assembly. They did.

Mr Corbell: I take a point of order, Mr Speaker. The Chief Minister knows very well that the use of that term is unparliamentary.

MS CARNELL: Mr Speaker, I have not used the name of any person and it has been ruled on before.

MR SPEAKER: No, sorry, Chief Minister. No, it has been ruled on before. It has been ruled that collective criticism or collective words of that nature are also out of order because it will only prompt each member to stand up and ask for an individual withdrawal. We have been through this before, please, tempting as it may be, madam.

MS CARNELL: Mr Speaker, I withdraw any imputations with regard to misleading.

Mr Berry: I would like to thank the Chief Minister. Thank you.

MR SPEAKER: I beg your pardon?

Mr Berry: Just, thank you.

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MS CARNELL: Mr Speaker, those opposite did argue that the value of ACTEW was as the Australia Institute had very wrongly assessed during the debate on the sale. It is interesting that they now will not back that up by allowing it to be added to the balance sheet. I understand why, because the \$1.7 billion was always rubbish.

ACTEW - Customers

MR HIRD: Mr Speaker, I thought question time was a precious time for this house. I also thought that ACTEW had been done to death. It would appear that those opposite have to pursue something. We should be spending our time, sir, on more important things. My question, Mr Speaker, is to the Chief Minister, Mrs Carnell, in her capacity as one of the voting shareholders of ACTEW Corporation. I was not going to raise this but they did it for me. I refer to claims attributed to the mighty guru, Mr Berry, on Prime Television last week that the ACT Labor Party had successfully attracted former electricity customers of ACTEW back to the corporation. Can you, Chief Minister, confirm whether any former customers have returned to ACTEW to buy their power, and if not, why they have not?

MS CARNELL: Thank you very much, Mr Hird, for the question.

Mr Moore: An excellent question.

MS CARNELL: Mr Speaker, it is an excellent question. It would be very unfortunate if Mr Berry had produced the wrong information on media outlets and maybe given people the wrong impression, would it not, Mr Speaker? This issue is probably the best example of the difference between this Government and those opposite when you look at our respective approaches to managing Canberra. On one hand we have a government that is looking to the future and trying to do all it can to ensure that ACTEW remains a viable operation long after all of us have left this place. On the other hand we have a Labor Party which is looking backwards to a time that no longer exists, when electricity retailing was a monopoly and businesses did not have a choice about where they purchased their power from.

Mr Speaker, last week Mr Berry said that he wrote a letter to more than 70 former customers who had decided to purchase their electricity elsewhere. Mr Berry argued that, as good corporate citizens, these companies should support ACTEW, thereby helping to stop the downsizing of the corporation which is likely to see a further 5 per cent in staff cuts over the next year.

What Mr Berry did not tell people was that one of the organisations that now buy their power from a supplier other than ACTEW was in fact the Australian Council of Trade Unions' building in Barton. I, for one, would have loved to have been there, Mr Speaker, when the relevant person at the ACTU opened the mail in the morning and found the letter from comrade Berry urging the ACTU to start being a decent corporate citizen and move back to ACTEW. Nor did Mr Berry tell the people that at least half-a-dozen licensed clubs, or about 10 per cent of that industry, are also buying their electricity interstate. We know that a good percentage of the media outlets in this city, too, are buying their power elsewhere.

I have been advised by ACTEW that it has not signed any new contract with further clients as a result of Mr Berry's letter, not even the ACTU. I just cannot imagine what Mr Berry was talking about on Prime Television.

Mr Moore: What is his influence with the comrades?

MS CARNELL: Very little, obviously. ACTEW has advised that, while it would always welcome back any former customers, it was extremely unlikely as they had almost definitely negotiated long-term contracts with new suppliers and, of course, were enjoying their new lower electricity prices. So, in simple terms, nobody has returned to ACTEW. Nobody. Why not, Mr Speaker? Well, I would have thought it would have been obvious to everybody except possibly the Labor Party. Businesses have left ACTEW because they have been able to buy their power far more cheaply interstate. It is as simple as that. Mr Berry obviously thinks I am biased and that I have a one-track mind, I suppose, on this sort of thing. Maybe it would be appropriate to quote from another source that might interest him, and that is the *Canberra Times*.

Mr Humphries: The *Canberra Times*?

MS CARNELL: That is right. It is not the *Canberra Times* anymore, is it? It is our local newspaper known as "the pseudo lefties, the wine and cheese night pinko lefties at the *Canberra Times*". Anyway, here is what part of the pseudo pinko lefties' editorial had to say last weekend, Mr Speaker.

Mr Stanhope: Yes, that the private sector can do it better. Where did that crap come from?

MS CARNELL: I think you are an expert on that exact thing, Mr Stanhope. Mr Speaker, I quote from that editorial:

We now have the pitiful sight of Labor's employment spokesman Wayne Berry writing to 74 ACT organisations which have signed with interstate electricity providers pleading with them to return to ACTEW. He argues that, as good corporate citizens operating in the ACT, they should support ACTEW and help save jobs in the Territory.

This is putting it the wrong way around on two counts. First, ACTEW should be freed of the constraints of public ownership so it can compete effectively and maintain ACT employment. Secondly, businesses operating in the ACT should ensure they get all their business inputs as cheaply as possible so they remain competitive, in business and employing - - -

Mr Berry: Kate, have you not worked out you lost? It is no good struggling. It is like a fish on a hook. They just struggle right to the end.

MR SPEAKER: Order! If I cannot hear the answer I will have to have it repeated.

MS CARNELL: Mr Speaker, I quote:

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Secondly, businesses operating in the ACT should ensure they get all their business inputs as cheaply as possible so they remain competitive, in business and employing people in the ACT.

Why should the 74 organisations pay artificially high electricity prices, when lower prices would give them the chance to expand and create more jobs?

Mr Berry's ideological pleading after the event shows how wrong his party was to knock back privatisation.

Mr Speaker, I could not have put it better myself, even if I am quoting from a mob of pseudo pinko lefties. I agree that it is pitiful seeing Mr Berry go down this path. According to ACTEW, it has not had any impact at all, even if Mr Berry did tell Prime TV it had.

Mr Speaker, rather than focusing on the reasons why businesses and the ACTU, a well-known Liberal organisation, of course, have gone interstate for their power, why does not the Labor Party put its collective mind to working out why ACTEW is unable to offer more competitive prices to these organisations? That is the one thing that would make a difference. At the moment, Mr Speaker, the Labor Party's policy on the future of ACTEW seems to be nothing more than to write a lot of letters and to whinge a lot.

How is it, Mr Berry, that you have chosen not to write to all of the existing customers of ACTEW and tell them how the Labor Party is planning to bring the price of electricity down so that they can stay with ACTEW in the future? That would achieve a real outcome, Mr Speaker. The fact is that those opposite have no idea of how they can produce a situation where ACTEW can be competitive in the market.

Mr Speaker, for all those sitting on this side of the chamber, working out the best way to ensure that ACTEW can keep its current clients and can grow in the future is a serious and a time-consuming business. It is something that we do need to have rational debates about in this place. It seems that for those opposite it is just a silly political game, and we have seen it constantly this week. The opposite side of this chamber is simply unwilling to look for a way forward.

MR SPEAKER: Do you have a supplementary question?

MR HIRD: So, Mr Berry not only got it wrong again, he did it 74 times. This is a very serious thing, Mr Speaker. My supplementary is to the Chief Minister and I urge everyone opposite to listen to the answer. How many customers has ACTEW actually lost to interstate electricity providers at this point in time?

Mr Corbell: Sites or customers? Will it include the scoreboard at Bruce Stadium?

MS CARNELL: Mr Speaker, this question is probably easier to answer by talking about the amount of electricity that ACTEW normally sells. Right now - - -

Mr Corbell: We would not want to talk about the scoreboard at Bruce Stadium or the caretaker's cottage.

MR SPEAKER: Order, please! You might learn something if you are quiet. I certainly want to hear the answer.

MS CARNELL: Right now, as a result of the national electricity market, ACTEW has lost about 8 per cent of the total energy it normally sells in the ACT. In terms of the amount that is currently contestable, however, that represents a loss of almost 20 per cent, Mr Speaker.

By way of offset though, ACTEW has been able to recover some 75 per cent of new energy by picking up customers from interstate, but here is the crunch, Mr Speaker. In order to win that business it has had to virtually set its profit margin at zero. So the only way that they are managing to keep the level of electricity up is to get new clients at no profit. Those opposite must understand that this is not a sustainable future, so what do they think should be done? We know what they think should not be done, but they have not put on the table one idea.

Mr Berry: Mr Speaker, pursuant to standing order 116, I would like to answer a question that was just put to me by the Chief Minister. She asked, "How is it, Mr Berry, that - - -"

MR SPEAKER: I am sorry; that is out of order.

Mr Humphries: Mr Speaker, this is not a point of order and there is no entitlement to make a claim under standing order 116.

Mr Stanhope: No, she asked the question. I heard her ask it.

MR SPEAKER: Order! Standing order 116 states:

Questions may be put to a Member, not being a Minister, relating to any bill, motion or other public matter connected with the business of the Assembly, of which the Member has charge.

The only charge that you may have is a charge of obstructing the Assembly.

Mr Berry: I take a point of order, Mr Speaker. The Chief Minister referred to a letter of mine which I clearly have charge of which was sent - - -

Mr Hird: Standing order 46 is what you should use.

Mr Berry: Let me finish.

Mr Humphries: Mr Speaker, I take a point of order. Mr Berry is providing information which he should provide, if he wants to, by way of standing order 46.

MR SPEAKER: Indeed, he can. It does not come under standing order 116, Mr Berry.

Mr Berry: Well, how is it that the question was put to me?

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MR SPEAKER: If you wish you have other avenues such as standing order 46, yes, at the end of question time.

Mr Berry: Standing order 46. Okay. That will do me.

John Farnham Concert

MR RUGENDYKE: My question is to the Chief Minister. This morning on radio news bulletins you chastised the ACT community for not getting behind the cancelled John Farnham concert. The Chief Minister criticised the sales of tickets in Canberra compared to tickets sold for similar John Farnham concerts in Sydney and Melbourne. While Mr Farnham was the headline act at all three cities, there are two major differences in the product. Is the Chief Minister aware that the concerts in Melbourne and Sydney are at indoor venues, not outdoor venues? Although it is not so cold in the corporate boxes from which Mrs Carnell might view this event, I can certainly assure you that it is not so hot in the outer at night at this time of year. Also, Chief Minister, are you aware that there are eight acts on the concert bills in Melbourne and Sydney rather than the three that were on the Canberra program? Chief Minister, bearing this information in mind, do you believe that your criticism of the Canberra public this morning was appropriate and justified?

MS CARNELL: Mr Speaker, the point I was making this morning is quite clear. Canberra people, not just for this concert but generally, do not buy their tickets early. We have had many phone calls from people who said, "But we were going to buy them next week". Canberrans generally, and not just for this, have always believed there would always be tickets, so you could buy them the day before or two days before. This happened not just for this concert. It is an ongoing problem at Canberra Theatre, and I think Mr Humphries, as previous Arts Minister, would back me up on this. It really has been an issue for Canberra and we do need to encourage people to buy their tickets early.

Mr Rugendyke makes a comment about indoor versus outdoor concerts. The problem for Canberra is that we do not have a venue big enough for this concert to happen in Canberra indoors. The biggest indoor venue we have is Bruce indoor, but the seating capacity there, even if full, does not pay to have a concert of this sort of magnitude staged. So we have a choice of outdoor or outdoor if we want the concert at all. The cost of staging was such that an indoor venue simply did not produce the dollars needed to run the concert. That is the issue. Maybe people would argue that we need a bigger indoor venue in the ACT, but that is for another day, Mr Speaker. The promoters and others believe very strongly, and I believe, too, that a great group of people are coming together for this concert. It is a true statement, Mr Speaker. If people do not buy tickets early for concerts we will continue - - -

Mr Corbell: Blame the customers, not the marketing. Blame the customers, not the marketing. What a bizarre explanation.

MR SPEAKER: Order! You seem to have a great deal to say, Mr Corbell. I would be careful, if I were you.

MS CARNELL: Mr Speaker, if we are to be on the concert circuit, and we are not at the moment - most concerts miss Canberra - we have to get behind acts, behind concerts, that do come to town. Maybe the majority of Canberrans do not mind not being on the concert circuit. Maybe they are happy to go to Sydney or Melbourne to see these things. I think that is sad because concerts bring dollars. They produce jobs. They produce a level of excitement that I think is pretty important.

I will continue trying to get concerts to Canberra, even if Mr Rugendyke is not happy to. I have to say that they will regularly have to be at outdoor venues simply because we do not have a big enough indoor one.

MR RUGENDYKE: I have a supplementary question, Mr Speaker. I note that the Chief Minister criticised the Canberra public because of the cancellation of that concert and said that it had jeopardised the prospects of major acts coming to Canberra. Bearing in mind that Canberra has supported hugely successful outdoor concerts before - that is, 20,000 attended a sell-out Pearl Jam concert in 1995 - and also that the majority of Canberrans saw this particular John Farnham concert as Glenn Wheatley simply calling on one of his mates to help make the struggling Bruce Stadium marketing team look as though they are actually doing something positive, will you consider taking back your comments criticising the Canberra public and offer the community an apology?

MS CARNELL: Mr Speaker, I did not criticise the Canberra community. I made it clear that if we do not buy tickets early for concerts, concerts will continue to be cancelled and we will not get back on the concert circuit. We are not on the concert circuit. It is quite simple. Most of the major concerts or the major tours that come to Australia, or the ones that are Australian based, do not come to the ACT. Why is that, Mr Rugendyke? Maybe you could answer.

Mr Speaker, the reality is that it is very sad that this concert was cancelled. I am a regular concert attender when things are in Canberra. I often go to Sydney for concerts as well, as I think many Canberrans do. We have to make sure that this sort of thing does not happen again in the future. It certainly appeared to me that the marketing of this concert was good. I think it is a great pity that it has not gone ahead.

Again you come back to: Why, Mr Speaker? Why, when the tickets were put on for a pretty similar concert in Sydney and Melbourne ---

Mr Stanhope: They all want to go to their clubs.

Mr Berry: They want to go to their licensed clubs.

Mr Quinlan: While they still have them.

Mr Rugendyke: I take a point of order, Mr Speaker. I would like to hear this particular part of the answer.

MR SPEAKER: I uphold the point of order.

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MS CARNELL: Thank you, Mr Speaker. You have to ask why people have not bought tickets here in Canberra whereas when tickets went on sale in Sydney and Melbourne for a similar concert they sold 100,000 tickets very quickly. I think there were up to four concerts in Melbourne. It cannot be that Canberrans are that different. It must be that we are simply not used to having to buy tickets early.

School Closures

MR BERRY: My question is to the Minister for Education. Is the Minister aware that there are several very small private schools in the ACT which receive ACT government and Commonwealth funding? Six of the 24 Catholic primary schools in the ACT had enrolments of under 200 in 1998. Four out of the other 10 private primary schools had enrolments under 70, and two of these were under 40. Thus, about 30 per cent of all private primary schools in the ACT have enrolments under 200 and, like small schools in the public sector, deliver quality education. In comparison, only nine out of 67, or only 13 per cent, of urban government schools had enrolments under 200 in 1998. Why is the Minister encouraging the closure of government schools which are larger than some of the small private schools which receive funding from this Government? Is the Minister planning moves to coerce small private schools to close to bring them into line with his policy for education in the ACT?

MR STEFANIAK: I thank the member for the question, Mr Speaker. I do not know whether he appreciates the difference between the Government's role with the government schools where we have very definite roles under the Schools Authority Act and our role in relation to non-government schools which is defined in the Education Act. It is very different. We have full responsibility for government schools and we have very different and limited responsibilities for non-government schools.

Mr Berry, I think those figures are probably accurate. I am fairly well aware of those and I would accept their accuracy. There are one or two that I might like to check, but I accept the thrust of what you are saying in terms of accuracy. As you are well aware, in the government sector, over the years, there have been some amalgamations. There have been some closures and some changes to schools. In the non-government sector, especially in the Catholic sector, there have been considerable rationalisations as well. They have full responsibility in terms of their school system and it is not for the Government to tell them how to run them and what size school they have. They have to satisfy set criteria, as you should be aware. It is set out in the Education Act, if you are not. As long as they satisfy that, the Government does not have such a significant role as it does in the government sector.

In case you are not aware, Mr Berry, I think about five Catholic schools have ceased operations over a period of about 20 years or so. No doubt you and I could sort out the exact figure. Certainly, there have been a number of closures in that system. I think, most recently, a private school closed at Weston. Another private school took over the site. From time to time you do find changes in that system and also closures. I think there have been examples of amalgamation as well.

MR BERRY: I have a supplementary question. So, Minister, is it only in your interests to attack small schools in the public sector, and is this not just part of your ideological indifference to the public education system?

MR STEFANIAK: I think that is absolute nonsense. We are not attacking any schools, Mr Berry. In fact, this Government quite clearly has a very definite position which we took to the last election, and it is very much in terms of what the P&C required. We would see school closures very much as a last resort. What we have put up, Mr Berry, is a very simple proposition to communities that might well be considering going down that path. Mr Berry, you should be aware that in recent times some have shown interest, and I think it is fair that we put that on the table.

We are not attacking any school, Mr Berry. You have got it completely wrong. Mr Berry, you might like to have a chat to a few people in the AEU too in terms of their views from the teacher perspective.

Bruce Stadium

MR KAINÉ: My question is to the Chief Minister and it is to do with the Bruce Stadium redevelopment. Depending on who is doing the talking, the Bruce Stadium redevelopment cost has blown out by at least \$5m to \$32m and may well be more. With a project of this kind, contractors do not usually sit around waiting for the Government to turn up with the money at some future time. They submit bills and progress bills are paid. Can the Chief Minister tell us at this stage how much has actually been paid to the contractor, and has the final contract been adjusted to put the contract price at the \$32m or whatever the blow-out figure is as opposed to the originally contracted figure of \$27m?

MS CARNELL: Mr Speaker, obviously I will have to take that on notice. I do not think any Minister would ever be expected to know exactly how much money is being paid to contractors at any particular time on a particular project.

MR KAINÉ: I have a supplementary question. It is remarkable how badly informed the Chief Minister is on something like this when it is her project, Mr Speaker. Based on the fact that progress payments would probably have been made to at least 75 per cent of the value of the project at this stage - it is almost finished - and the Government itself is limited to \$12m approximately, as expressed in the capital works program, will the Chief Minister also find out where the additional money has come from? From whom has it been borrowed, by whom has it been borrowed, and what are the terms and conditions of that loan?

MS CARNELL: Mr Speaker, I am able to answer some of that question. I think it has been quite clear that the ACT Government has been entering into financing arrangements. We have made that very public. We went out to tender, looking for a financier for the Bruce Stadium. Those arrangements are approaching finalisation, Mr Speaker. I understand that the entity is the Commonwealth Bank. The relationship or the final contract with the Commonwealth Bank will be signed in the very near future.

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I am sure that members of this place would accept that the Commonwealth Bank is one of the major financial institutions in this country. It is interesting that the Commonwealth Bank believes that the Bruce Stadium redevelopment is a great proposal, a great investment.

Mr Kaine: I raise a point of order, Mr Speaker. Does the Chief Minister intend to fully answer my question and take it on notice or not?

MR SPEAKER: I think she is taking the balance on notice. That is what I understood. Is that correct, Chief Minister?

Ms Carnell: It is not a point of order, Mr Speaker.

MR SPEAKER: No, it is not a point of order; a point of clarification perhaps. I understood she was taking it on notice.

ACT Fire Brigade

MR HARGREAVES: My question is to the Minister for Justice and Community Safety. The United Firefighters Union has begun industrial action because the Government will not meet its request for a pay rise. The Minister has been in the media in the last few days blaming the union for the breakdown in talks. In fact it is management who keep cancelling the meetings.

Mr Corbell: Really?

MR HARGREAVES: Indeed. The last three were cancelled by management.

Mr Corbell: You mean Gary was not completely forthright in his - - -

MR HARGREAVES: Correct. Perhaps misunderstood. It is my understanding, Mr Speaker, that there are currently 19 unfilled and now unfunded positions within the ACT Fire Brigade. My question to the Minister is this: Where did the budget disappear to for these positions? Will the Minister agree that because these positions remain unfilled, and now unfunded, the Fire Brigade in effect has increased its productivity by providing the same service with fewer staff?

MR HUMPHRIES: This is a somewhat strange question. Am I aware of there being 19 unfilled or unfunded positions? Well, if they are not filled it does not necessarily follow that they are unfunded. The budget is there to provide for them. If the positions were abolished they obviously would be unfunded, but they have not been abolished, to my knowledge, so they are not unfunded in that sense.

Do I agree that that makes the brigade more productive because it is doing the same job with some positions unfilled? There are always some positions in any service as large as that which are unfilled, because people resign, or retire, or for various reasons do not continue in their positions. A certain amount of slack is built into the organisation to

allow it to operate with sometimes less than the optimum number of people. That is part of the nature of an organisation that large. Any organisation which did not have that capacity would have to be questioned in terms of its effective operation.

Let us suppose for one instant that it was somehow more efficient as a result of not filling those positions. Is Mr Hargreaves saying that therefore they produce an efficiency which could be used to pay for their pay rises?

Mr Hargreaves: Yes.

MR HUMPHRIES: If you are saying that by reducing the number of positions we have in the brigade - - -

Mr Hargreaves: You have reduced them already.

Mr Stanhope: You have just been through that.

MR HUMPHRIES: If I could finish my answer, Mr Speaker.

MR SPEAKER: Go on.

MR HUMPHRIES: If Mr Hargreaves is saying that if we simply reduce the number of positions we have in the Fire Brigade and the saving we make by reducing the number of positions pays for a pay rise, I am very interested in talking to the brigade about that very matter, Mr Speaker. I am very interested indeed. That is what I would call efficiency, but I very much doubt whether the union is interested in abolishing positions in order to produce a pay rise. I am very doubtful indeed. I suspect, Mr Speaker, that discussions will reveal that.

The union, I know, has claimed that the Government has walked away from the table, but my understanding of the situation is that the view has been taken by the union that unless and until the Government puts on the table budget-funded pay rises of some sort it is not going to continue to talk. I am happy to have talks at any stage between the union and the Government, but it has to be on the basis that we invite discussions on those subjects with every other worker in the ACT Government, which is that they have to find productivity savings to pay for the pay rises they seek.

MR HARGREAVES: I have a supplementary question. In that case, Minister, will you give an undertaking that the funds which were originally allocated to those positions within the Fire Brigade that were unfilled for the past 12 months can and will be offered as a pay increase in this current round of negotiations, as per what you have just said?

MR HUMPHRIES: Mr Speaker, I am not going to intervene in a negotiation between the brigade and the department on those issues. If the brigade wishes to offer it and the UFU wishes to accept an offer of that kind, I am perfectly willing to accept that, provided there is no compromise to the quality of services provided to the people of Canberra. I am very willing to entertain that idea. Mr Speaker, I want, though, the parties to sit around that table and talk about it. If they believe that that is a worthwhile saving then that is fine. I am not in a position to say whether it is a worthwhile saving or

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not; whether it would produce a substantial amount of money or whether it would be effective without a compromise to public safety in the ACT. If it does fulfil those requirements, then I see no reason why it should not be put on the table for - - -

Mr Hargreaves: The jobs unfilled for the last 12 months.

MR SPEAKER: Order, please! You have asked your supplementary question.

MR HUMPHRIES: You will forgive me for regarding your advice on these areas as not being the best in the world, Mr Hargreaves. I understand your industrial advice on ACTION did not amount to very much when the time came, so you will forgive me if I rely on my own paid advisers rather than your very generous but free advice.

Food Labelling

MS TUCKER: My question is to Mr Moore as the Minister for Health. We have had some correspondence on this matter, or the department has with my office. It is in relation to the ACT Food Act. I would like to know whether you are aware of any problem with section 19 of the Food Act 1992 that prevents action being taken against a company under that Act when a company publishes an advertisement that is false, misleading or deceptive on a food package label, even though the food package label does comply with an applicable standard such as the food standards code labelling provisions produced by ANZFA?

MR MOORE: Thank you, Ms Tucker, for the question. There are a number of problems with the Food Act, and this applies right across Australia. Food Acts right across Australia are being reviewed to try to resolve those problems. With regard to the specific section of the Act, Ms Tucker, I cannot bring that exact section to mind at the moment. I am quite happy to take that specific part of the question on notice.

MS TUCKER: Okay, thank you. I have a supplementary question. If you check the correspondence that occurred, it is particularly in relation to a constituent's complaint against the Heinz company for misleading on baby food labels about the need to actually supplement breast milk. You do have correspondence on that, so could you address your concerns particularly to that complaint?

MR MOORE: Certainly.

Service Station Site in Torrens

MR OSBORNE: My question is to the Minister for Urban Services, Mr Smyth, and is about the abandoned and previously viable service station site at the Torrens shopping centre. Minister, as you may or may not be aware, the Ampol service station at the Torrens shops closed in October 1996. The relevant Minister at that time was Mr Humphries who said in the *Chronicle* that the Government "would not be forced into a lease variation of the Territory Plan on the site and that the site would not be re-zoned for anything other than a petrol station". He also said that PALM had "prevented the full fencing of the site as it was illegal" and that Ampol will "have to make an application for

the legal removal of the fuel tanks". The Minister also noted that the Government then had the right to resume the lease after 12 months if the leaseholder refused to use the site as zoned. My question is this, Minister: Given that the site has been fully fenced and that the underground fuel tanks have been removed, will you confirm that approval was sought and given by PALM before these actions took place? Secondly, has Ampol lodged a development application or sought a lease variation for the site?

MR SMYTH: Mr Speaker, I thank the member for his question. I will have to check with PALM on those issues and get back to the member.

MR OSBORNE: I have a supplementary question, Mr Speaker. Now that the site has been disused for just under 2½ years, do you intend to enforce your Government's policy on the use of service station sites and resume the lease so that another service station may begin to operate at that location?

MR SMYTH: Mr Speaker, as I think Mr Osborne would know, Mr Humphries put out a draft policy on disused service station sites just before the last election. This is an issue that affects all of us, and it is an issue that affects many of the suburbs of Canberra. I took over the portfolio after the election last year. There was further discussion and in July 1998 the Government put in place its policy on disused service stations. It set out clear criteria on how they would be used and how service station operators or owners could go about redeveloping those sites. To date we have had many discussions with different owners and with the petrol companies about this. The policy is working. There was a 12-month period from July last year, which would be July this year, that gave companies and owners time to put their affairs in order. Come July this year, if they have not complied with the policy, I will be enforcing it to its full.

ACT Housing Properties

MR WOOD: Mr Speaker, my question is also to Mr Smyth as Minister for housing. Minister, on Tuesday I asked you about the neglect of houses that had been boarded up or just forgotten. They were the empty ones. Today I want to ask you about the neglected houses, desperately in need of immediate maintenance, that have people living in them. Your own documents indicate a shortfall of millions of dollars in needed maintenance funds. Every day tenants are being told there are just no funds for that urgent maintenance, a fact confirmed in your answer to a question on notice that you gave me a little while ago. Minister, how do you propose to deal with this crisis?

MR SMYTH: Mr Speaker, this is an issue of great importance and it is an issue that affects many people in the ACT. The Government has made no bones about the fact that there is a time for change, and it is rapidly approaching for the housing stock. The stock that we have is aged and it does not meet the needs of tenants. It does not meet it in terms of the allocation that they would be entitled to, and it certainly does not meet it in terms of location. We are working on that. In terms of maintenance, we provide maintenance where it is requested, and we have an ongoing maintenance program. That funding is devolved down to the regions so that the regions can allocate funding as is appropriate and to meet the needs of tenants.

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MR WOOD: I have a supplementary question, Mr Speaker. I want to acknowledge the negligence of successive Federal governments in giving adequate provision to their housing stock when they owned it. At the same time, I note a media release by Mr Albanese, assisting the Federal shadow Minister for Family and Community Services, including housing, who comments that the ACT Government has given up over \$20m in the last three years in offsets, pretty much at the demand of the Federal Government, I might say. Do you agree with that \$20m figure over three years, or would you provide what you regard is the actual figure that has been forgone?

MR SMYTH: Mr Speaker, I am not aware of Mr Albanese's press release. I will endeavour to get hold of a copy and have a look at it. I would like to remind the Assembly that at the Special Premiers Conference recently the Chief Minister, in conjunction with the other Premiers and Chief Ministers, was able to put the case on behalf of housing across the Commonwealth for extra funding, and a pool of some \$269m to offset potential losses due to the GST was gained. I think that was a tremendous outcome that the Chief Minister and her colleagues were able to achieve. It is great to see that the Federal Government will put that sort of money into public housing.

Australia-Chinese Friendship Village

MR CORBELL: My question is to the Chief Minister. Chief Minister, a report published in the *Beijing Daily* newspaper of 29 October last year records the signing of a friendly cooperation memorandum by the Chief Minister and the Mayor of the Chinese capital, Jia Qinglin. You will have to excuse my pronunciation. Another article reports the signing of a second agreement between the Independent Group of Canberra and the Kuai Corporate Group of Beijing that is expected to see the investment of \$US35m in developing an Australia-Chinese friendship village of some 200 garden houses in Canberra. The report said the village would be developed on more than 13 hectares of land and that the project would be completed in stages over one year. Can the Chief Minister inform the Assembly whether the project has proceeded? If it is to proceed, when will that occur? Has the Government received any approach over the site of the village? If so, where is that site?

MS CARNELL: This is a private sector proposal rather than one involving the Government, but I can tell Mr Corbell simply because I got a letter from the Independent Group, just this week actually, with a copy of their prospectus for this proposal, which I have to say was very impressive, Mr Speaker. In that letter it was indicated to me that the project had been slower than they had hoped in getting to the stage of a prospectus. They had had some interest from provincial Chinese governments already to set up these sorts of, I suppose, trade entities here in the ACT, which is really quite exciting, and the project was progressing. I am not sure how a decision on siting is going simply because that is not within my portfolio, but I am happy to get back to Mr Corbell on that.

I think this shows that we do have some very proactive and capable ACT companies that really are looking for new and innovative approaches. The approach here is to encourage provincial Chinese governments to set up, shall we say, offices here in the ACT to encourage incoming and outgoing trade out of Australia into their own provinces. Those who have some knowledge of the Chinese situation would know that the provincial

governments are where an enormous amount of influence and power exists within China, whereas the national government does not control a lot of those sorts of issues. The provincial governments really are very important in terms of a relationship, particularly in areas like trade, business development and business opportunities for our companies here.

I certainly hope that the Independent Group is successful in getting this project up and running. If it is successful it will produce some really great potential opportunities for ACT and Australian companies to get their product or their services into provincial China.

MR CORBELL: Mr Speaker, I have a supplementary question. Chief Minister, for the benefit of the Assembly, can you explain the Government's involvement in this deal? Is the MOU or friendly cooperation memorandum, as it has been referred to, signed by you connected in any way with the deal for the friendship village, and is the memorandum of understanding or the friendly cooperation memorandum a public document? If so, can you table it?

MS CARNELL: The MOUs that I signed with China I think were part of or were attached to my travel report when I went to China, which means they were tabled in the Assembly. So, yes, they are public documents. The relationship between the Kuai Group and the Independent Group is between them, not between governments. But I will always support ACT businesses in their efforts to achieve opportunities offshore. There is no doubt that I personally was very keen to support the Independent Group, but the contractual relationship is very much between them and the private sector operator in China, as would always be the case. I will find out whether the MOUs were tabled. I am sure they were, but if they were not, I will table them.

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

Canberra Hospital - Outpatient Services

MR MOORE: Mr Speaker, yesterday, or it might have been the day before, I took on notice a question from Mr Hargreaves. In relation to a review of outpatient services in the Canberra Hospital, he asked, "Can the Minister advise who will be conducting the review, how much will it cost and when will it report?".

Outpatient services are presently being reviewed by our senior officer of the Canberra Hospital to assess their efficiency and identify any issues that require more extensive investigations. I do not wish to give a name because it is an officer within the hospital who is doing that work. Therefore, of course, in relation to the second part of the question, there is no cost for this review. We are hoping that the initial report will be completed by the end of April, but there is a probability that more extensive investigation of some of the issues will be required. The final outcomes of the review may well take some months.

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Motor Vehicle Testing

MR SMYTH: Mr Speaker, I have further information for Mr Osborne. He asked me a question about the number of vehicles inspected and the number issued with defect notices. For the nine months to March 1999, 39,198 vehicles were inspected during the on-road inspections. This means that the Urban Services Department is on target to meet its estimated 50,000 vehicles that are to be inspected this year. Of the vehicles inspected, 3,451 were found to be defective. As the on-road system did not commence until April 1998, relevant comparative figures are not available for the previous year.

PERSONAL EXPLANATIONS

MR BERRY: Mr Speaker, I seek leave to make a statement pursuant to standing order 46, and in accordance with your agreement earlier.

MR SPEAKER: Yes, I approve. Proceed.

MR BERRY: Thank you, Mr Speaker. Mrs Carnell, in question time, raised the question of why I did not write to all ACTEW customers. Well, that would be a silly thing to do because they are still customers of ACTEW. There was no need to write to those. The ones that I wrote to are ones who have been spirited away by one means or another to other suppliers of electricity. Some may have been convinced that that was going to be the way of the future because of the Government's intention to sell ACTEW, but, as I said to them, since the Assembly made its emphatic decision on the issue of ACTEW things have changed.

Ms Carnell: How many have come back?

MR BERRY: I have had many phone calls in relation to it, and today I received an interesting letter. I will read it to you, Mr Speaker.

Mr Humphries: Mr Speaker, under - - -

MR BERRY: This is in relation to the matter.

Mr Humphries: Mr Speaker, standing order 46 is there to explain where a member has been misrepresented. What is Mr Berry saying he has been misrepresented about? He should explain that without debating it.

MR SPEAKER: Yes, that is right. It cannot be debated, Mr Berry.

MR BERRY: Mrs Carnell also raised the issue of how many I have got back. Well, I will read - - -

Ms Carnell: But, Mr Speaker, that is not a personal explanation. He is debating the issue.

MR SPEAKER: You cannot debate the issue, Mr Berry.

MR BERRY: I am not debating the issue.

MR SPEAKER: Hitherto you have been within standing orders, but you cannot debate it.

MR BERRY: Mr Speaker, I did receive a letter from one particular person that I wrote to, or organisation that I wrote to.

Mr Humphries: I take a point of order. Mr Speaker, I have to press this point of order. Mr Berry obviously wants to read a letter into the record, but this is not in accordance with standing order 46.

MR SPEAKER: If Mr Berry wants to do that he can ask for leave to table it.

MR BERRY: I will seek leave to read it into the record.

Mr Moore: We are not interested.

MR BERRY: Don't give me leave then. I seek leave to read it into the record.

MR SPEAKER: Mr Berry, the Clerk has also advised me that you can use the adjournment debate for this. You do not have to use this - - -

MR BERRY: I know that, but I seek leave to read it into the record in response to question time. Do I have leave or not?

Mr Moore: No.

Mr Humphries: No.

MR SPEAKER: Is leave granted? No, leave is not granted. Thank you. You can use the adjournment debate.

MR SMYTH (Minister for Urban Services): Mr Speaker, I wish, under standing order 46, to make an explanation.

MR SPEAKER: Proceed.

MR SMYTH: Mr Corbell has put out a press release this morning saying that he was to receive a 4,000 strong petition from representatives of the Canberra International Dragway calling on the ACT Government to honour its commitment - - -

Mr Berry: Mr Speaker, I take a point of order. Mr Smyth is unable to debate the issue in relation to this. He is debating the substance of a press release issued by my colleague.

MR SPEAKER: No, he is not debating, as far as I am aware. He has referred to a media release. Mr Smyth will not, however, be debating this matter.

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MR SMYTH: It says:

... calling on the ACT Government to honour its commitments and act to help reopen the dragway.

It then goes on to say:

Planning Minister Brendan Smyth has refused to accept the petition.

Mr Speaker, the Canberra International Dragway's press release - - -

Mr Corbell: It is true.

MR SMYTH: Mr Corbell is wrong. He is being silly and quite foolish on this. The Canberra International Dragway - - -

Mr Berry: I take a point of order.

MR SPEAKER: Just a moment. This is a personal explanation.

Mr Berry: I know it is, Mr Speaker, but personal explanations are usually in relation to matters which occur in this house. This a matter which quite easily could have been responded to in the media had Mr Smyth wished to proceed there. He is debating the substance of a press release which was issued outside this chamber.

MR SPEAKER: He is not debating because I will not allow him to debate. He is making a personal explanation.

Mr Berry: Would you like to define what debating is? Have you got a new definition?

MR SPEAKER: He may be a bit long-winded about it, but he is making a personal explanation.

MR SMYTH: Mr Speaker, the petition actually calls upon the Federal Government to honour its commitments, so Mr Corbell has been foolish in that regard. The press release then says that Mr Smyth refused to accept the petition. Mr Develin personally delivered the petition to my office. Mr Corbell is being a prat about this issue, as he has been for the whole time. He should withdraw his press release or correct it.

Mr Berry: He is debating the issue, Mr Speaker.

MR SPEAKER: No, he is not.

Mr Berry: He is challenging the credibility of it.

MR SPEAKER: Mr Smyth has finished his personal explanation, which I understand involves a petition which is in his possession. Are we all done? Thank you.

**ANNUAL REPORTS - DECLARATIONS AND DIRECTIONS FOR 1998-99
Papers**

MS CARNELL (Chief Minister and Treasurer) (3.32): Mr Speaker, for the information of members, I present the Annual Reports Directions for 1998-99 and a declaration made under section 4 of the Annual Reports (Government Agencies) Act 1995. Pursuant to section 15 of that Act, I also present a declaration made under section 5 and directions made under paragraphs 6(2)(b) and 8(5)(a) and (b), subsections 7(2), 8(2), 8(6), 8(7) and 11(1), and section 10 of the Act. I move:

That the Assembly takes note of the papers.

Mr Speaker, these instruments are issued in accordance with section 15 of the Annual Reports (Government Agencies) Act 1995 and set in place the annual reporting requirements for the 1998-99 reporting year. The instruments include the Annual Reports Directions for this reporting year.

Under the Annual Reports (Government Agencies) Act, these instruments must be tabled, although they are not disallowable. These instructions, in particular the Annual Report Directions, set the reporting requirements for all annual reports provided under this legislation. They provide a standard framework for comprehensive reporting across the ACT public sector. While there are some mandatory requirements, the directions should be seen as setting the baseline for reporting. Because of the range of reporting bodies covered, the directions must be sufficiently flexible to permit accurate and appropriate reporting across a range of operational requirements.

Under the Act, all reports must be presented to Ministers within 10 weeks of the end of the reporting year. This means that all financial year reports must be presented to Ministers by 8 September 1998. Ministers then have six sitting days in which to table the reports. The practice has been to table reports during the late-September sitting week. Reports will again be tabled as early as possible. This year that will be during the 12 to 14 October sitting week, Mr Speaker.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - LEASES
Papers and Ministerial Statement**

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present the schedule of lease variations and change of use charges for the period 1 January 1999 to 31 March 1999 and the schedule of leases granted for the same period, pursuant to the Land (Planning and Environment) Act 1991. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct grant, leases granted to community

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organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 January 1999 to 31 March 1999. I have also tabled two other schedules in relation to variations approved and change of use charges for the same period. A record of all new leases and applications to vary crown leases is available for public inspection at my department's shopfront at Dame Pattie Menzies House, 16 Challis Street, Dickson.

PATIENT ACTIVITY DATA Papers and Ministerial Statement

MR MOORE (Minister for Health and Community Care): Mr Speaker, for the information of members, I present information bulletins relating to patient activity data for Calvary Public Hospital and the Canberra Hospital for March 1999. I seek leave to make a short statement.

Leave granted.

MR MOORE: The raw results for the March report, I must say, are disappointing. They show that the main theatre for the whole year has treated 5,703 persons against a target of 6,469 persons and the day theatre has treated 1,886 persons against a target of 2,823. These results are obviously disappointing on their face and I think they require some explanation.

Firstly, with regard to the main theatre, it should be noted that we are looking at the rapid, monthly raw separation figures, not the final cost-weighted figures. These figures are prepared within three weeks of the end of each month and show the number of patients treated, but do not take account of the complexity of cases, as is the case when we look at cost weights. In fact, the latest available quarterly weighted figures, to December 1998 - the figures to March will be compiled soon - show that surgical performance to the end of December was about 6 per cent below target, reflecting at that stage the serious effects of the VMO disruption in July-August last year. As the year proceeds, we would expect that the final results would approach their targets.

Secondly, given that we are deliberately targeting complex cases in some specialties, it is quite possible that the statistics for raw separations will fall below the target for raw separations, but we will be assessing performance on the basis of weighted separations, not raw separations. Thirdly, it is relevant to mention another effect of the new VMO contracts last year which has no doubt contributed to the disappointing result in main theatre activity. Surgeons sought the creation of a system of subacute theatres for certain work. Twenty sessions per month were set aside for this type of activity. However, the utilisation of this allocation by surgeons has been only about five sessions per month. This utilisation has been outside the direct control of the hospital. The unused time has obviously led to wasted facilities. The subacute allocation of theatre time has, as of late March, been cut back to five sessions per month, with the time thus freed up returned to main theatre usage. This should boost activity over the last three months. Fourthly, the hospital has sought the purchase of additional throughput from the department in the areas of neurosurgery, orthopaedics and vascular surgery. The addition of a new staff specialist in neurology will also increase throughput in this specialty.

Mr Speaker, the performance in day surgery is particularly disappointing, especially given that this style of surgery, where useable for appropriate cases, is both convenient for patients and saves valuable hospital resources for other work. Day theatre cases are balanced with overnight stay patients to achieve the best mix for optimal theatre time utilisation. In meeting both the cost-weighted separation targets and the throughput from the waiting list there is a fine balance between the larger raw numbers of patients that can be treated as day cases versus the higher complexity but lower volume of the overnight stay patients. Also integral to this is the fact that the higher urgency cases are less likely to be day only. I am monitoring this performance month by month and have made it plain that I expect the hospital, within the constraints of the balance I mentioned above, to do all it can to make the most use it can of day surgery.

COMMONWEALTH YEAR 2000 INFORMATION DISCLOSURE LEGISLATION Ministerial Statement and Paper

MS CARNELL (Chief Minister and Treasurer) (3.40): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on Commonwealth year 2000 information disclosure legislation.

Leave granted.

MS CARNELL: Mr Speaker, it is with pleasure that, in the spirit of the Administration (Interstate Agreements) Act 1997, I provide this brief to the Assembly regarding the status within the Territory of the Commonwealth Year 2000 Information Disclosure Act 1999, which was enacted on 26 February 1999. You will be aware that recently I wrote to each member of the Legislative Assembly on this topic.

The purpose of the Year 2000 Information Disclosure Act is to improve the flow of information among organisations and to the community about the progress being made by organisations to prepare their computer systems to handle dates in the year 2000, otherwise known as Y2K, and beyond. The Act seeks to achieve this by limiting legal liability for the public disclosure of information relating to the status of Y2K preparations which are made in good faith. Under the legislation, a person or organisation making a disclosure is, under circumstances set out in the Act, protected against a civil action arising out of making the disclosure and the disclosure being used in evidence against a person or organisation in a civil action.

The Government decided, following an offer from the Federal Government, that it would accept coverage under the Commonwealth legislation rather than enacting legislation specific to the Territory. The view among all States, the Commonwealth and the Northern Territory is that each jurisdiction must be covered by the Commonwealth legislation or must implement legislation based upon the Commonwealth's template. With regard to the States, limitations on the power of the Commonwealth are such that some State-based complementary legislation is required to cover areas that the Commonwealth is constitutionally unable to cover. Members will have noticed reports in the press that South Australia has enacted and Victoria is currently enacting complementary legislation based on the Commonwealth's template. All other States

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have similar legislation under consideration. Because the Commonwealth's power is not limited in relation to the Territories, no complementary legislation is necessary in the ACT.

As a matter of practice, the ACT generally seeks to enact its own legislation, rather than accepting coverage of the Commonwealth. The decision to accept Commonwealth coverage in the area of Y2K information disclosure legislation was based upon a number of considerations, including the benefits of a maximum level of consistency in this legislation across States and Territories, a desire to derive benefits from the legislation at the earliest possible time, the temporary nature of the legislation, which will expire in June 2001, and a desire to avoid duplication of effort. The legislation will cover disclosure by any entity within the Territory, including government business enterprises.

I urge members of the Assembly, like our counterparts at the Federal level, to take a bipartisan approach to dealing with the ACT's preparation for Y2K and therefore avoid creating unnecessary concern in the ACT community. To this end, I have asked my department to brief all MLAs on current activities and the status of Y2K preparations within ACT government agencies. These briefings will occur at regular intervals. Furthermore, from this month the ACT will be releasing public Y2K status reports on a monthly basis via the media and the ACT government web site. While Australia is recognised as a world leader with regard to Y2K preparations, we share an international problem in the area of having accurate and complete information on Y2K activities readily accessible for the community. The introduction of the information disclosure legislation represents a significant step forward with regard to addressing this very important issue. Mr Speaker, I present the following paper:

Commonwealth Year 2000 information disclosure legislation - ministerial statement, 22 April 1999.

I move:

That the Assembly takes note of the paper.

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

DISABILITY MINISTERS MEETING Ministerial Statement and Paper

MR MOORE (Minister for Health and Community Care) (3.44): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the outcome of the meeting of disability Ministers held in Canberra on 9 April 1999.

Leave granted.

MR MOORE: The issue of unmet needs for services to people with disabilities is increasingly being brought to my attention by people with disabilities and their families, other members of the ACT community, service providers, officers of the Department of Health and Community Care and other members of the Assembly. I am therefore

extremely disappointed to report to the Assembly the very limited outcomes of the meeting of Ministers with responsibility for disability issues which was held in Canberra on Friday, 9 April.

At the conclusion of the negotiation of the Commonwealth-State Disability Agreement last year, it was agreed that the Commonwealth would convene a ministerial meeting within 12 months to discuss the outstanding issues of unmet need. We finally met on 9 April, after 11 months, and State and Territory disability Ministers were disappointed to find the Commonwealth unprepared to face the reality of the unmet need situation. Despite consistent advice from States and Territories, and from her own disability administrators, on the extent of unmet need, the Commonwealth Minister came to that meeting without any offer of increased funding to address this critical issue. Extensive work was done to prepare for the meeting by Commonwealth and State disability administrators, and that at least allowed Ministers at the meeting to reach an agreed assessment of the need.

The formal outcome of this meeting was that Ministers agreed that there is a backlog of unmet need for disability support services which is in line with advice provided in the work done by disability administrators, that a staged process is required to address unmet need and additional funding from all governments will be required, that the Commonwealth return to the States and Territories at the earliest opportunity with a funding proposal which recognises its shared role, and that State and Territory Ministers respond to this proposal as a matter of priority. Mr Speaker, I said that this meeting was on 9 April. It is already 22 April. There has been no return to us by the Commonwealth. I consider this to be a matter of priority. I expected to see some action by now. People with disabilities and their families have been waiting for some time for governments to respond to unmet needs and concerns. This further delay by the Commonwealth in making any firm commitment is entirely unacceptable from the point of view of these people and of the State and Territory governments.

The State and Territory Ministers were united in the view that the three-year action plan devised by our administrators was achievable physically and that any longer plan to address the need would be simply too slow. However, it would require the Commonwealth to shoulder its financial responsibility. During the negotiation of the Commonwealth-State Disability Agreement, the CSDA, considerable work was done to identify the extent and type of unmet need for disability services. Since the signing of the new agreement in 1998, further work has been carried out and reported in the paper I have already mentioned, prepared in cooperation by disability administrators of the Commonwealth and the States and Territories. This paper includes data from the 1997 report of the Australian Institute of Health and Welfare on the demand for disability support services in Australia. The report estimates that there is unmet demand nationally for accommodation or respite services for 13,400 people and for day programs for 12,000 people. The estimated cost of meeting this demand is \$294m, which would translate to approximately \$5m in the ACT. Funding would need to be recurrent and these estimates are stated to be conservative. The States and Territories currently contribute approximately 80 per cent of the funding under the CSDA and have made by far the greatest contribution to growth of funding under this agreement - indeed, to overall growth over the last 10 years.

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I shall give examples of recent improvements in the ACT. More appropriate housing options have been developed for younger people with disabilities who were previously residents of nursing homes. New respite and integrated in-home support services have been purchased to provide clients with a greater range of choice and more effective service delivery. The ACT community care disability program instituted a program of reform in 1996 and has made significant progress with these reforms. The progress includes the establishment of a service agreement framework detailing arrangements between the consumer and the disability program, implementation of individual planning for all clients, a range of staff training initiatives, improved case management for consumers, the introduction of a quality framework, the development of operational policies, three-year accreditation with the Australian Council of Health Standards, and work force management reforms. Several of the reforms in the ACT community care disability program will provide information and frameworks to assist in quality improvement within the rest of the disability sector.

Planning is under way for the establishment of a service provider resource centre, which will be available to non-government service providers to assist with matters such as staff training and development, policy development and planning, information on best practice, networking, communicating with government and operating in the purchaser-provider environment. Additional community access programs have been supported to provide people with meaningful daytime activities. A new service, known as community connections, has been established to assist people with complex needs to negotiate the service system.

Whilst the ACT has not been sitting on its hands, it is time that the Commonwealth, as the main collector of revenue, took action to redress a situation which disregards the needs of people who should be treated as valued members of our community. In addition to a considerable funding contribution, the ACT Government has directed major efforts to the reform of the disability services sector. These reforms aim to achieve stronger consumer focus, equity of access, improved service quality and better value for money. The strategic plan for disability services, on which the ACT community is currently being consulted, will continue and strengthen this effort in coming years. However, even with careful prioritisation of access to services and efficient use of available funds and other resources, it is currently impossible to provide a quantum and quality of service which will enable ACT people with disabilities and their carers to achieve a quality of life comparable to that of other citizens.

Work is being undertaken in the ACT to identify more clearly the extent and type of unmet need of people with disabilities as well as that of older people and carers. The profiles developed in this process will further assist future service planning and the development of policy to effectively meet these needs. The available information indicates that there is unmet need across the whole spectrum of disability support services as well as for improvements in access to mainstream services, facilities and activities for people with disabilities. It is our aim to support people with disabilities in ways which meet their individual needs and preferences. In response to the diversity of people's support needs, we will be emphasising, wherever possible, the purchase of flexible services based on these needs, rather than on restrictive service types and models. The increased potential of these services to facilitate genuine, positive outcomes for service users also means that they provide better value for money.

There are a number of specific groups of people with disabilities who have particularly critical unmet support needs or who are approaching a time when they will do so. These groups include people whose family carers are ageing or are unable to continue in their caring role, school leavers who do not have employment or an alternative daytime option, children entering adolescence whose parents are finding it increasingly difficult to cope with their child's physical, social and emotional demands, and people with intensive or complex support needs, including people with challenging behaviours.

I await with interest the promised proposal from Senator Newman and will respond to this proposal as a matter of urgency. If the proposal appears to be unreasonably delayed, I will contact the Minister seeking expedition of the process and will work with other State and Territory Ministers to try to speed up progress. In the meantime, I will continue to promote disability support as an area of high priority and will investigate all possible alternatives for funding and other resources to address this critical need. I present the following paper:

Outcomes of the meeting of Disability Ministers held in Canberra on 9 April 1999
- ministerial statement, 22 April 1999.

I move:

That the Assembly takes note of the paper.

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

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent the order of the day, Assembly business, relating to the establishment of a Select Committee on Estimates 1999-2000 being called on forthwith.

ESTIMATES 1999-2000 - SELECT COMMITTEE Appointment

Debate resumed.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I seek leave of the Assembly to amend my motion to extend the timeframe for nominations to 4.30 pm rather than 4 o'clock.

Leave granted.

MS CARNELL: I move:

Paragraph (2), omit "4.00 pm", substitute "4.30 pm".

Question resolved in the affirmative.

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MR CORBELL (3.55): Mr Speaker, the Labor Party will be supporting the establishment of the Select Committee on Estimates 1999-2000. I want to focus all of my comments on Mr Kaine's amendments. Mr Kaine is proposing that the second element of the Estimates Committee inquiry and report, which deals with annual reports and associated statements, be referred to the portfolio standing committees of the Assembly rather than to the Estimates Committee itself. Mr Speaker, the Labor Party is of a view not to support this amendment, not solely because it is in itself a different way of doing things, but simply because we believe that such a step may result in two things.

The first of these is that it may result in a heavier workload being placed on some already overly burdened standing committees. Speaking from my own experience, Mr Speaker, the Standing Committee on Urban Services currently has before it around half-a-dozen inquiries, a number of them significant ones, as well as the usual draft variations that come before that committee from time to time. I believe that the requirement to investigate annual reports through the standing committees would only add to an already considerable workload and may not result in the best scrutiny of those reports, although I have no doubt that if the Assembly does refer this work to those committees the committees will make every effort to adequately scrutinise them.

Mr Speaker, the second point is perhaps the more important one and that deals with the oversight of government administration and management. There has been considerable benefit in the past in providing for some continuity by having the committee that is examining the Government's estimates for the coming financial year budget then going on to examine and compare the work of the previous financial year as outlined in the annual reports. That level of continuity is available to all of the members of the Estimates Committee process - indeed, to other members of the Assembly who are not voting members of the committee.

The concern I would like to raise in this place is, first of all, that a change such as proposed by Mr Kaine removes that continuity and breaks up that ability to properly oversight in a whole-of-government way the operations of the Government. It also places an undue pressure on members of this place. As members would be aware, Estimates Committee meetings tend to take precedence over all other committee meetings. Indeed, every effort is made, successfully, to ensure that Estimates Committee meetings do not conflict with meetings of other committees of this place. I would suggest that if we were to take the step that Mr Kaine is proposing we would not be in a position to be able to ensure that there was no overlap of committee meetings and the scrutinising of the different annual reports. Mr Speaker, that presents particular difficulties for those members who are on more than one standing committee. I would imagine that it would pose more difficulties for the Government than it would for the Opposition, but I think it would also pose some problems for the crossbench members.

Mr Speaker, as we know, the Estimates Committee provides an opportunity for every member to oversight every part of the annual reports process that they choose to be involved in. That opportunity is presented to them. If we had these reports scattered amongst the various standing committees of the Assembly, I doubt whether every member would be able to attend or have the opportunity to attend every meeting of those

standing committees if they wanted to look at more than one portfolio area. I think that presents some real difficulties for continuity and coordinated oversight of the operations of government.

Mr Kaine: They do not attend now.

MR CORBELL: Mr Kaine interjects that they do not attend now. Mr Kaine, they have the choice now, but they would not have that choice under this new process. Mr Speaker, members can scoff at and be cynical about that, but it is an important principle that we are talking about here. The overall oversight of the operation of the Government's administration, financial and otherwise, is an important matter. Indeed, it is one of the most important matters for the Assembly. I would put to members that they should be seriously considering the fact that a change of this nature would, potentially, deny members the opportunity to participate in that way. It is that simple, Mr Speaker. The Labor Party will not be supporting Mr Kaine's amendments.

MS CARNELL (Chief Minister and Treasurer) (4.00): Mr Speaker, the Liberal Party will be supporting Mr Kaine's amendments. There are quite a number of reasons for that. Mr Kaine made a number of points very well. From the Government's perspective, it is important that the level of scrutiny be as high as it can be. One of the points in having portfolio-based committees is that it enables those committees to become as au fait as possible with their portfolios so that the committees are aware of the structure of the portfolios and the people and budgets involved and have a very good feel for the portfolios themselves. For those committees to look at the annual reports is, I think, totally appropriate because they will be looking at them not from a standing start but from a lot of information gained during all of the inquiries that Mr Corbell has been talking about.

I think it is important to remember that an annual report is not just about the financial statements to the year's end, particularly as members have monthly figures from all of the departments at the moment and it is not as if the end of the year figures are a big surprise to anybody. The annual reports are about the workings of a department, staffing levels, direction, all sorts of things to do with what the department has achieved in a whole range of areas, not just financial, over the previous 12 months. It is those sorts of things that a portfolio committee would be on top of already. As I said, Mr Speaker, it would not be starting from scratch, whereas the Estimates Committee would not have that capacity, that information at its disposal or that ongoing exposure and information base related to a particular department. I believe that it is appropriate to go along with Mr Kaine's amendments.

This is a really unusual debate. The Government is arguing for a process that produces greater scrutiny and the Opposition is arguing for something that produces less scrutiny. Mr Speaker, I have to say that I find that somewhat unusual, to put it mildly. Maybe it is because those opposite just cannot bring themselves to support anything, that this is about the ongoing negative approach of the Opposition, and anything new, anything innovative, is a definite no. We can see it in this case. We are talking about something that would mean that the Government would be under more scrutiny than it would be if we stayed with the current scenario.

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MR HIRD (4.03): Is it not interesting, Mr Speaker, to have the members of the Opposition who have regularly asked for better scrutiny arrangements in this place now denying that opportunity to the very committees that would have the best understanding of the reports as they come down from each of the portfolios, that is, the committees of which I am a member of four and you, sir, are a member of the fifth? I commend Mr Kaine for this initiative. I think that it is well overdue. I invite Mr Kaine to move his chair to this side of the room once again because, Mr Kaine, it is a sensible amendment. I heard a colleague who shares with me membership of the Urban Services Committee say that he was concerned about the estimates arrangements; in other words, we are taking away from the Estimates Committee the ability to scrutinise the budget. In the old days the reports would come in straight after the budget was brought down, but the presentation of the budget has changed. I say to Mr Corbell that times are a changing and the arrangements and methodology in this place have to change with the times.

Another interesting factor is the cost to this place. We are all very conscious of the deficit. The costs are prohibitive without extending the select committee for a number of months. Under this arrangement those costs would not appear because the portfolio committees are ongoing and would be going on while the Estimates Committee is undertaking its scrutiny of the budget. Therefore, I ask everyone to support the Kaine amendments because I think they are a sensible and appropriate approach. As one who knows he will be on the Estimates Committee, Mr Speaker - I have not seen the leader of the house's recommendation, but I dare say that my name will be on his list - I can only urge members to support Mr Kaine's amendments.

MS TUCKER (4.06): I will not be supporting Mr Kaine's amendments. I must say that it is very interesting that we do not get arguments from the other side. Maybe one of the other members of the Liberal Party is going to argue the case, but we have had derision from the Chief Minister and a repeat of the derision from Mr Hird. Mr Corbell put up arguments. I did not hear them addressed from that side. His arguments were quite legitimate. This matter is about looking at how the whole of government works. It is about having a sense of how services are integrated. There is some value in developing expertise in particular portfolio areas, but there are problems with it.

I know that we have just entered into a new arrangement with the Assembly committees, but we have not yet had any formal evaluation of the system. I know that some problems have arisen with the Education Committee which were not experienced in the last Assembly when we had a Social Policy Committee working to two Ministers. They are over the fact that you cannot fit life into portfolio boxes and there are crossovers. At the moment we have a tendency for Ministers to be so committed to what is written down as the responsibility of their portfolio areas. We had a classic example with the caravan park. I asked Mr Smyth about the rights of the tenants and he said, "That's not my core business" and refused to answer. He had no knowledge of a Community Law Reform Commission report on the subject. That is just an example. I can understand Mr Smyth's position in this regard because there is a tendency to lock people into boxes. That may be efficient in some ways, but we should take a look at whether we need to put all the other mechanisms of the Assembly into the same boxes. In fact, there may be a danger in doing that. I think there is quite a lot of good sense in the argument that Mr Corbell put. I am definitely concerned about the same matters.

I will also mention the fact that the Greens have, for some time, put up proposals for a permanent budget committee which had as an ongoing role more involvement with the finances of the Territory. If you accept that there is some value in that, it is not necessarily useful to start fragmenting the budget process and the annual reports are obviously related to the budget process. We get very little qualitative information in the budget and we are told to refer to the annual reports. There is obviously a close linkage between those two sets of documents, even though there is a time space between them. For those reasons, I will not be supporting Mr Kaine's amendments.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Ms Tucker wants some arguments. I am happy to give her some arguments. We did give some in the earlier part of the debate, but I will come back to a couple of others. Mr Corbell, in his remarks, said that there was a problem of committees potentially meeting at the same time and that members who wanted to sit in on more than one inquiry as a participant - as a hanger-on, as it were - would be prevented from doing so. Mr Corbell overlooks the fact that Mr Hird is a member of virtually all the committees. Therefore, the committees cannot meet at the same time, with one exception, otherwise Mr Hird would not be able to appear at those committees. That, with respect, is not a problem, except in respect of the Education Committee - - -

Mr Hird: No, Chief Minister's.

MR HUMPHRIES: The Chief Minister's Committee, of which you, Mr Speaker, are a member. But that, I am sure, could be avoided by a judicious use of coordination between the committees. Ms Tucker raised the problem of the box-like nature of annual reports. Whereas I sympathise with the concern she raises - - -

Ms Tucker: Not annual reports; at the way you are governing.

MR HUMPHRIES: The process of a Minister appearing and saying, "I can only talk to you about my portfolio", and the problem of portfolios, I agree, is a problem, but it seems to me a problem of the very nature of any organisation, governments being only one example of that. The annual reports are the reports of the boxes that we describe as portfolios. My annual report is the annual report of the Department of Justice and Community Safety. If I am appearing before either the Justice and Community Safety Committee or the Estimates Committee and someone asks me about the impact of health policy, I am quite possibly not going to be able to answer the question because it is not within the terms of the area that I am reporting to the committee, to the Assembly and to the community about. I am sorry if that is the case, but it seems to be unavoidable. In any case, the problem of segmentalising government services is not solved by having a single committee analyse those issues as opposed to a series of separate committees. It merely acknowledges the fact that there are those separate committees dealing with separate issues in those separate reports.

Ms Tucker: Have the ability to look at them together, that is the whole point, to counter some of the problems of that.

MR SPEAKER: Order! If you want to have a talk, go outside.

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Ms Tucker: I have already said it, but he is not acknowledging what I said.

MR HUMPHRIES: No, I do recognise what you are saying, Ms Tucker. You want to have some sort of holistic report on everything that is going on. That is fine, but the fact is that departmental reports have tended not to be viewed in that way. They have tended to be viewed as being about what is going on in a particular department and the vast majority of recommendations and comments in reports have been about what goes on in those departments. That has been the process that we have had in the past when we have had a single Estimates Committee. Why is it going to change this year, why are we going to have a different holistic approach suddenly emerging, if we continue with the approach that we have used in previous years, I would argue unsuccessfully? With respect, Mr Speaker, I do not think the method used before has produced devastatingly good results. It has prevented the specialisation that has been achieved in those individual portfolio committees being applied to the annual reports. It would be a good thing if it were.

MR SPEAKER: Members, I would ask for your indulgence to agree retrospectively to Mr Humphries speaking again. It has been drawn to my attention that he spoke after the amendment was moved. Is leave granted for Mr Humphries to speak again?

Leave granted.

MR HUMPHRIES: I thought I had two chances to speak to an amendment, Mr Speaker. Do I not have two chances to speak to an amendment? No. Only to a Bill, okay.

MR SPEAKER: No. Mrs Carnell's second speech addressed the amendments.

Amendments agreed to.

Motion, as amended, agreed to.

WEED AND PEST CONTROL Discussion of Matter of Public Importance

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

The need for Government to take responsibility for ensuring best practice management of use of chemicals for weed and pest control in the ACT.

MS TUCKER (4.13): Mr Speaker, in the first week of the new school term, preschoolers across Canberra returned from holidays to find their sandpits out of bounds. They cannot play in them because maybe their sandpits have been sprayed with simazine and roundup for weed control. I say "maybe" advisedly because, while the Minister for Education, Mr Stefaniak, confirmed to the Assembly on Tuesday that the Curtin Preschool sandpit was sprayed with weedkiller, he could not be sure which other ACT

preschool sandpits also had been chemically sprayed. As a result of this incident and on the recommendation of the manufacturer of simazine, more than 80 preschool sandpits will need to have their sand completely replaced.

Numerous studies have found that exposure to hazardous pollution and chemicals is a major children's health issue and a number of the health problems associated with environmental hazards have become increasingly prevalent in children. In the United States, allergy is the No. 1 cause of chronic illness in children under the age of 17. Twenty to 30 per cent of all children suffer from a major allergic disease, such as asthma, rhinitis, sinusitis and skin rashes. In Australia, we have seen soaring rates of childhood asthma, and the incidence of childhood cancers, reproductive disorders and birth defects has all increased significantly in the last 50 years.

Children are much more vulnerable than adults to chemical exposure. They absorb a greater amount of chemicals per body weight than do adults and have a faster respiratory rate. Children are also most at risk of neurological, endocrine and immune system damage from the synergistic effects of chemicals combining in the environment. In light of these very real concerns about the impact of chemicals on the health of our children, the spraying of the Curtin Preschool sandpit and possibly other preschool sandpits in the ACT suggests dangerous disregard for the health of Canberra children by the ACT Government.

It is not good enough just to be told, "Oh, someone did something wrong". We want to see systems in place which reduce as much as we can the possibility of something just going wrong. That is what Mr Moore has spoken about recently in regard to the hospital system. He is prepared to look at how the possibility of human error can be decreased to the absolute minimum. This is the same thing. It is just not good enough to say that someone did the wrong thing. It suggests a lack of action by the ACT Government to implement the recommendations of the Commissioner for the Environment in his damning report on government use of pest control chemicals in the ACT.

As the Assembly knows, this issue has a long history. In February 1996 the Greens called for an inquiry into government use of chemicals for pest control. Finally, in May 1998 the underresourced Commissioner for the Environment handed down his report, "An investigation into the ACT Government's use of chemicals for pest control". As the Assembly also knows, the Commissioner for the Environment in his report raised major concerns about lack of regulation, coordination, monitoring and evaluation of government use of chemicals for pest control. He found that the purchaser-provider model has fragmented a whole-of-government approach to pest management on land and property under the management of the ACT Government.

He also found that under this new model responsibility for developing and monitoring pest control policies is often devolved to people with no knowledge or experience in this critical area. For example, he pointed to the fact that in Education and Training and in Health there were no known policies on pest management in existence and that responsibility for pest control had been devolved to some 120 school principals. Specifically, he found, to quote directly from the report:

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The absence of some coordinated arrangements for ensuring the best pest management practice and minimal use of toxic synthetic chemicals in and around the ACT schools is of considerable concern.

He also found that the current arrangements for pest management provided neither security nor comfort.

Under section 6.2 of the schools injury prevention and management policy, which Mr Stefaniak often refers to as the solution to the problem, principals are responsible for ensuring:

... that appropriate substances are selected for use in an Agency's workplace and any work procedures devised for the use of these hazardous substances should take into account their toxic and physical hazards.

Not only do school principals have to provide educational leadership, manage staff, manage finances and other assets, oversee school building and maintenance programs and ensure parent and community participation in schools, but also they have to make expert decisions about the best chemicals for handling rats, cockroaches, weeds in the school playground and other pest problems and ensure that these chemicals are used safely and appropriately. It is appalling that school principals are left to take responsibility for the use of highly toxic chemicals in their schools. It is clear that use of these chemicals requires expert knowledge that school principals could not have and they should not be burdened with such a responsibility.

The Commissioner for the Environment's report also found that not only is pest control fragmented and devolved to people with no experience in managing chemicals, but also there is little evidence to show whether chemical control of pests was actually working. He found:

... the purchaser-provider model appears to favour evaluation based on outcomes rather than on detailed steps to reach these outcomes, and it is not yet obvious that this model will lead to the most socially responsible and consistent set of guidelines and practices for the use of pest control chemicals.

He also found:

... it is difficult to judge the effectiveness of individual programs or the programs overall, because of the absence of rigorous monitoring programs to determine the long-term impact of the control activities on the target species, and the incomplete evaluation of the impact of the control of chemicals on non-target species and communities.

He continued:

... programs are not leading to eradication, as distinct from control of the pests. They may be establishing a holding situation to prevent wider infestation, but there is little hard evidence to decide on effectiveness in an ecological framework.

To address the many problems he found in the use and management of chemicals for pest control by the Government, the Commissioner for the Environment made numerous recommendations. Central to them was the recommendation that the ACT Government act immediately to establish a coordinated approach across the whole ACT to best practice management of pests. What has the Government done with his recommendations? In September 1998, four months after it was tabled, the Government finally responded to his report. The Government made a whole lot of commitments, many of which failed to address fundamental problems in the use of chemicals in pest control on ACT government property and land. For example, the Government made Environment ACT the central point of liaison for ACT government agencies, the national registration authority, the environment protection groups and Worksafe Australia on all pest control issues. Yet, government purchasers of pest control services and asset managers can - it only says "can" in the Government's response - contact, if they want to, Environment ACT for advice on the registration status of agricultural and veterinary chemicals, seeking a permit to use specific chemicals for specific purposes, the choice of pest control chemicals, and the policy direction in relation to agriculture and veterinary chemicals.

The specific recommendation of the Commissioner for the Environment was that this central point of liaison should provide the direct point of contact for all asset managers within the ACT Government in authorising the use of specific chemicals for specific pest control uses under controlled conditions. The Government has not picked up the report's recommendations for a compulsory process whereby asset managers within the ACT Government wanting to conduct pest control activities must seek authorisation for these activities, having a voluntary process whereby government purchasers of pest control services can seek advice.

The Government also agreed to establish the Agricultural and Veterinary Chemicals Coordination Network to set and maintain standards for best practice pest control management as it applies to the management of ACT government assets. What is the coordination network actually doing? Who is on it and why did standards lapse so appallingly at Curtin Preschool? The Government also gave responsibility to the coordination network for considering contract specifications which set common best practice standards. As part of this process, inventories required to be kept in accordance with environmental authorisations and the standard form contracts, together with the work records of pest control service providers, were to establish an audit trail.

Where is the audit trail in the Curtin Preschool sandpit chemical spraying incident? The Minister for Education, Mr Stefaniak, could not tell us which other sandpits had been sprayed in a similar way. That would lead one to believe that inventories and work records are not being completed adequately or that no audit trail exists. The Commissioner for the Environment recommended the implementation of an agreed format, signage and protocols for advertising pest control methods prior to, during and after each pest control event. Surely the spraying of any area in which children play requires some notification to school authorities and parents. The spraying of the Curtin

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Preschool sandpit came to the Government's attention only because of the concerns of an observant parent. The chemicals coordination network is failing the Canberra community if it cannot set and monitor clear standards for public notification of the spraying of chemicals in preschools and schools.

I have only been able to touch on a few of the many concerns I have about the way the Government is managing the use of chemicals in pest control in the ACT. The spraying of the sandpit at Curtin Preschool shows that best practice pest control in ACT government facilities is not happening. It is clear from Mr Stefaniak's comments during question time in the Assembly on Tuesday that the Department of Education is still relying on outdated and inappropriate policies for the control of pests in preschools and schools. These policies are inconsistent with those recommended by the Commissioner for the Environment and do not address ongoing concerns about fragmentation of the management of pest control functions. Most importantly, they do not address major concerns about regulation, coordination, monitoring and evaluation of chemical use for the control of pests in preschools, schools and other ACT government land and buildings.

After the discussion of this matter of public importance I was going to seek leave of the Assembly to move a motion which required the Minister for Urban Services to table in the next sitting week for the information of the Assembly all documents relating to Environment ACT's monitoring and regulation of pest, plant and animal control in ACT preschools and schools since the beginning of 1998 and a progress report on the implementation of the recommendations of the report of the Commissioner for the Environment entitled "An investigation into the ACT Government's use of chemicals for pest control". I have spoken with Mr Smyth about that and he has said that in his speech on this matter of public importance he will give a commitment to the Assembly that he will provide this information. I am happy to accept that and I will not put the motion because I do not think we need to spend the time if we do get that commitment from the Minister.

In regard to what we are asking for in terms of the documents relating to Environment ACT's monitoring and regulation of pest, plant and animal control, Mr Stefaniak assured the Assembly that things were in hand, that there was a good regulatory scheme in place and that there were records. That was the implication. I am asking for the records of how Environment ACT has been monitoring, regulating and doing those things which are required under the recommendations of the environment commissioner, or as much as they have done so far. Mr Smyth has offered me the opportunity of just going along and looking at the files, but I think I should still ask that we have that information tabled in the Assembly. I will take up Mr Smyth's offer of a further briefing and may visit the files later, if it seems that that would be useful. At this point, we just need to get on the record - it should not be difficult if this process has been well managed - just how asset managers are being advised, how the monitoring is occurring, when sites are visited, how it is determined that spraying should occur and so on. It is pretty clear what is required if it is well managed. I look forward to receiving that information.

MR SMYTH (Minister for Urban Services) (4.27): The Government has taken and continues to take full responsibility for ensuring best practice management of pest and weed control activities in the ACT. This matter of public importance has arisen in light of the report of the Commissioner for the Environment entitled "An investigation into the

ACT Government's use of chemicals for pest control" and some recent media attention on pest and weed control activities in ACT schools. As the MPI is not confined to the ACT Government's pest and weed control activities, I will speak about how the Government is addressing best management practice in the public and private sectors.

Let me clarify the scope of pest and weed control activities in the ACT. Pest and weed control activities are undertaken under government contract and managed by ACT government asset managers, such as Canberra Urban Parks and Places, the Bureau of Sport and Recreation, ACT Forests and the Department of Education. These government contracts are undertaken by providers successfully tendering for pest control services. The providers currently may be from ACT government units, such as the ACT Parks and Conservation Service, CityScape and Totalcare Industries, or from the private sector. The private sector pest control industry is quite substantial and includes pest control activities undertaken by pest control businesses for ACT residents or by ACT residents in their own dwellings.

How does the Government take full responsibility for ensuring best practice management of all pest and weed control activities? On 1 June 1998 the Environment Protection Act 1997 was enacted and from that date it has been a requirement of all businesses undertaking pest and weed control activities to hold an environmental authorisation for the commercial use of agricultural and veterinary chemicals. This includes activities undertaken under government contracts or in the private sector. For those in doubt, we have a lot of experience in CityScape, for example. For instance, the supervisor at the Latrobe Park depot has more than 25 years' experience in this field and the staff member responsible for the Kambah pest control depot has about 15 years' experience in spraying, so we do have a large amount of experience in the ACT Government.

The ACT now has a regulatory framework which ensures that the commercial use of agricultural and veterinary chemicals is in accordance with the best practice environmental, public health and occupational health and safety standards. Prior to 1 June 1998 it was assumed that most pest and weed control businesses were also working in New South Wales and were therefore subject to New South Wales licensing provisions for pest control businesses and operators and that that sort of situation also protected the ACT. That, of course, was not an adequate way of doing so and the requirement for authorisations and the changes this Government has made clearly demonstrate our commitment to achieving best practice. The ACT environmental authorisation system complements the New South Wales licensing system through a set of strict authorisation conditions which specify the necessary training and experience of those undertaking pest and weed control activities and details stringent use, notification, storage, transport and handling requirements. In relation to government pest and weed control contracts, ACT government asset managers specify that successful tenderers must hold these environmental authorisations.

I will give some background to the Commissioner for the Environment's investigation into the ACT Government's use of chemicals for pest control. The Commissioner for the Environment's report was undertaken at the direction of the then Minister for the Environment, Land and Planning, Mr Humphries, pursuant to section 12(1)(b) of the Commissioner for the Environment Act 1993. The commissioner applied terms of reference based on the advice of a steering committee of experts which restricted the investigation to pest control activities by or on behalf of the ACT Government on all

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land and other property under the management of the ACT Government and its agencies. On 25 June 1998 I tabled the report in the Legislative Assembly and on 24 September last year I tabled the Government's response to that report. Members who have read the Government's response will have noted that there was broad agreement with the commissioner's recommendations. It is clear from that response that the Government is able to say consistently that many best practices were already instituted and that, in fact, the Government's performance was far better than that suggested prior to the commissioner undertaking his investigation.

The key elements of how the Government is responding further to the recommendations in the report are as follows: The coordination within government in relation to agricultural and veterinary chemicals and pest and weed control activities falls to Environment ACT. Environment ACT, in my department, remains the central point of liaison on these matters, in close consultation with ACT government asset managers, the local pest management industry and the community. In response to the commissioner's report, the existing interagency network was formalised in late 1998 with the creation of the Agricultural and Veterinary Chemicals Coordination Network, chaired by Environment ACT. That network comprises members from the Chief Minister's Department, the Bureau of Sport and Recreation, the Department of Education and Community Services, the Department of Health and Community Care and Urban Services, with Canberra Urban Parks and Places, Conservation, Land Management and ACT Forests taking part in that.

As a first task the network established a priority list of activities based on the commissioner's recommendation, taking into account concerns from the pest management industry as well as the community. The priority activities were the publication of a community information brochure of pest control chemicals, the ongoing review process on state-of-the-art best practice management for pest and weed control activities, an ongoing review process for all government contracts for pest control activities and an ongoing review process to ensure consistency between requirements in government contracts and environmental authorisations. The new regulatory framework under the Environment Protection Act 1997 which came into effect on 1 June 1998 ensures that all businesses undertaking pest and weed control activities in the ACT, whether through government contract or for ACT residents, must hold an environmental authorisation which specifies that the pest control operator must be appropriately qualified and experienced in best practice control. That was a key concern raised in the commissioner's report.

The final recommendation which the Agricultural and Veterinary Chemicals Coordination Network decided to address as its highest priority was the publication of an information brochure which details what pest control chemicals are and how their use can be avoided through hygienic practice and manual pest eradication. It explains the potential hazards of pest control chemicals and, finally, lists a range of other information sources and contacts. Mr Deputy Speaker, this information brochure, which is actually on its way to the printer, should be available to the community very shortly. It brings together the information which is already available to the community but, of course, much improves its accessibility. The Government believes that it has ensured and continues to ensure best practice management in relation to pest and weed control activities.

The provision of pest control services for preschools is coordinated centrally by the Department of Education and Community Services. They consult with and are part of the Agricultural and Veterinary Chemicals Coordination Network, the interagency network that I have already mentioned. Pest control is undertaken only by pest control businesses holding an authorisation granted under the Environment Protection Act 1997.

Pest control contracts for preschools require that chemical spraying, where necessary, be undertaken only during school holidays or on weekends. The Education Department's guidelines for pest control activities have been in place for some time and Environment ACT is satisfied that they are consistent with interstate best practice.

In relation to concerns regarding insect pest control in schools the following should be pointed out: The decision whether to engage insect pest control services and the type of application is taken on a case-by-case basis and treatment is not routinely undertaken in preschools, as suggested by the *Canberra Times* on 28 February 1999. Use of the least toxic and irritant chemicals is specified in the pest control contracts. In all cases, chemical use is minimised. Manual eradication is, in fact, a method adopted by the pest control contractors and teachers at many schools. More recently, weed control in schools was also an issue of concern. Simazine and roundup, used extensively throughout the ACT to control weeds in public places, have been selected for government contract use because they have been assessed over many years as being the least toxic and most effective chemical means of controlling weed pests.

Both simazine and roundup are registered by the National Registration Authority for Agricultural and Veterinary Chemicals under the Commonwealth Agricultural and Veterinary Chemical (Code) Act 1994, meaning that they can be used nationally for weed pest control provided they are used in strict accordance with their labelling instructions. Although the application of these chemicals appears to be in accordance with government contract specifications, the view was taken that we should err on the side of caution on the matter of routine weed spraying in schools, particularly in the vicinity of playground equipment and sandpits. The Education Department agreed with these precautionary measures.

In relation to the sandpits already sprayed, temporary fencing has been erected around them and the sand is to be replaced as soon as possible. In addition, a review of current weed pest control practices in schools will be undertaken immediately to ensure that any pest control activities conducted within ACT schools are conducted only where necessary and then only under strict guidance. In accordance with the Government's best practice management philosophy, this review will ensure that all pest and weed control operators are appropriately trained and qualified to undertake their work. That will ensure that there is not a repeat of the instance where an overzealous operator sprayed an inappropriate area, such as a school sandpit. I bet the other operators in the depot where he works have given that chap some lessons on what he should and should not do!

Mr Deputy Speaker, the key message is that the Government continues to ensure that best practice management of pest and weed control activities is an essential requirement to protect public health and the environment; but no matter how much we legislate, check and regulate, it is often impossible to stop somebody who is overzealous, gets carried away or in some cases simply makes a mistake. It is essential that when errors

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are detected, and errors will be made, we take appropriate action as swiftly as we can to minimise any harm and any effect that that may have. The Government has at all times the best interests of the ACT community uppermost in its considerations and has taken great efforts to consult with the community and industry to ensure that all pest and weed control activities are undertaken under this regime of best practice management.

Ms Tucker showed me her proposed motion earlier this day. Point one has been expressed clearly by Ms Tucker and I am sure that Mr Corbell will express his concerns in a few minutes. Ms Tucker has, in paragraphs (a) and (b), a request for some information and I would be delighted to provide that information. Some of it will be reports and the rest will be an update on what is happening with the Commissioner for the Environment's report. I would be delighted to give that information to the Assembly. Mr Deputy Speaker, we do take this matter seriously and will endeavour to make sure that all our employees and all those who manage assets for the ACT also take the matter seriously.

MR CORBELL (4.40): Mr Deputy Speaker, I do not know whether members should feel reassured or worried by the Minister's outline of the Government's measures in relation to the use of chemicals for weed and pest control in the ACT. Certainly, as I listened to the Minister's speech I got the impression that there was a very clear and comprehensive program in place. The question then arises: If we had this clear and comprehensive program in place, why did this event occur? Why did something go wrong? I think that, in itself, is a legitimate matter of public importance for today. Clearly, there is a need to ensure that the use of chemicals in areas such as preschools and primary schools – indeed, other areas where children play - is managed in an appropriate and tightly controlled way. There are significant questions surrounding the impact of chemicals on our environment generally and we should be adopting a precautionary approach wherever possible, particularly in relation to areas where children play.

Mr Deputy Speaker, I will not contribute enormously to this debate because I think the issues have already been well canvassed by Ms Tucker and the Minister, but I do want to put one issue on the record of the Assembly and that is to do with the training and qualifications of the staff in CityScape Services who are, I understand, responsible for the spraying operations in the area of Curtin where this incident occurred. The Minister may like to respond to my concern at a later date. I am informed that, prior to the changes a few years ago or even a year ago at CityScape Services, someone responsible for these types of spraying operations would have undertaken a 12-month course at the CIT which would have led to a qualification and enabled them to be appropriately trained to undertake this sort of activity. I am told that that has been changed, due to revenue saving measures, to a one-day familiarisation program. I am not entirely sure whether that is 100 per cent correct. If it is the case, then it is a matter for considerable concern. I would ask the Minister, if he is still listening to the debate, to clarify whether that is the case. It is a matter of concern for me if it is the case that a previous requirement for operators was a 12-month training program and that has been reduced to a one-day program of some sort. Perhaps that highlights how pressures on CityScape in terms of revenue have resulted in a compromise in safety. I hope that it is not the case. I hope that I have been misinformed. I raise it so that the Minister can respond at some later opportunity.

I should clarify that we should not in any way be endeavouring to target individuals who have made a mistake in relation to spraying. If they have made a mistake, I would argue that it is not through their own failing, but through the failing of the policy framework in which they operate and the training framework in which they operate. That, again, is a matter of concern. I certainly would not want to be the person who sprayed the sandpits. They were obviously just trying to do their job and they thought that they were doing the right thing; but they made a mistake, it would appear. The Government needs to take responsibility for ensuring that people are appropriately trained, appropriately resourced, and appropriately supported to do their job. Mr Deputy Speaker, I commend the MPI to the Assembly.

MR MOORE (Minister for Health and Community Care) (4.45): Mr Deputy Speaker, I thought I would just try to put into this debate a little bit of the perspective of the Health Protection Service and what we look at in terms of these issues. Nobody is taking away the concerns that parents have about chemicals used in spraying and the potential health risk posed to children who play in sandpits. Every member of the Assembly, every parent, is always incredibly conscious of those things. My view is partially informed by the role I played as chair of the Planning and Environment Committee when we looked at sheep dip sites around the ACT and what you can do with the wisdom of hindsight. Within its context and within its time, I think the process that we went through when we looked at sheep dip sites was right. But in retrospect, now that we have a huge amount of additional information on what we should be doing and how we should be acting, I would have to say that in that case we totally overreacted to what we had in front of us.

Mr Deputy Speaker, I think it is important to take into account what it was that was being sprayed and what is the impact of those chemicals. The chemical spray that was used was a mixture of glyphosate and simazine with vegetable dye. As we know, the vegetable dye is put in to make sure that people know where something has been sprayed and to make sure that something looks different. I am not taking away from the fact that it ought not to have been sprayed in a particular spot. Nevertheless, let us look at the dangers that we have here. Both are common weed killers used to control a wide variety of grasses, broadleaved weeds and woody shrubs. They are also used in fruit orchards and vineyards and on many plantation crops, such as tea and bananas. Both are agricultural and veterinary chemicals approved by the national registration authority. The Health Protection Service's applied environmental health program has advised me that the two chemicals are relatively low toxic substances with rapid degradation in the environment. I think that is very important, Mr Deputy Speaker, because when we see chemicals used in the environment we are often particularly concerned that they will go on for a long time.

The half-life for glyphosate in soil is three days and for simazine is much longer, about 100 days. Glyphosate is strongly absorbed by soil and simazine is significantly degraded by microbial action in the environment. The initial investigation and estimates by the environment area in the Department of Urban Services and the Health Protection Service show that it would require a child to eat about one kilogram of soil to ingest 0.65 milligrams of simazine. It is far less than a lethal dose for a mammal, which is estimated at 5,000 milligrams per kilogram of body weight. Remember, the average

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child playing in these areas is in the order of 15 to 20 kilograms. I think that we should keep that in mind and be conscious that glyphosate will have degraded to almost zero concentration in the soil by the time it gets there.

We really are talking about a minimal danger to children in this area. That having been said, we always take the minimum path, we always take the safest possible path, which is why we recognise that a mistake did occur. Mistakes will occur. The question is not whether mistakes occur or not; it is what you do about ensuring that they are avoided in the future. My colleague Mr Smyth has pointed out the actions that have been taken already and that are likely to be taken. We will continue to monitor these issues and try to get the best possible outcomes.

It is interesting to go back and look at what has happened in the ACT in the past as far as the way we have reacted to what we have perceived as chemical dangers is concerned. The first one, I think, was the asbestos issue. The second was the one I referred to earlier, the sheep dip issue. In retrospect, on both issues we significantly overreacted. That made the community feel at ease, but it would seem to me with the wisdom of hindsight that in the expenditure for safety, on a cost-benefit analysis, we totally overreacted. It would seem to me that one of the things we have to learn from these processes is not to overreact, not to allow the political drive, the concerns of a couple of people, to put these things out of perspective. I think it is very important to put these issues in perspective, as we have other issues. It seems to me that the Government is acting properly in this area and will continue to do so.

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

WEED AND PEST CONTROL Statement

MR SMYTH (Minister for Urban Services): Mr Corbell asked a question during the MPI about the training of operators. I have some information for him. I seek leave to respond.

Leave granted.

MR SMYTH: I have some quick advice for Mr Corbell. I will get him a full answer. It appears that there were some longer courses, although a 12-month course, on the advice I have, seems unlikely. Apparently what happens now is that there is an initial two-day course run by the CIT at Weston - the horticultural school; it is a training provider - which gives those having completed that course the status of a trainee sprayer. Those trainee sprayers then can operate under the guidance of a qualified sprayer. Over the course of some months - 12 months, I believe I was told - they do further courses and gain more skills until they are accredited as fully-fledged sprayers. I will get further clarification of that, but there is a process. It is a process of an initial course followed by supervision and on-the-job training that allows people to become qualified to spray these chemicals.

**OUTCOMES OF THE SPECIAL COUNCIL OF AUSTRALIAN GOVERNMENTS –
NATIONAL APPROACH TO ILLICIT DRUG USE
Ministerial Statement**

Debate resumed from 20 April 1999, on motion by **Ms Carnell**:

That the Assembly takes note of the paper.

MR WOOD (4.53): Mr Temporary Deputy Speaker, I had a very interesting introduction to this Assembly when we were considering the question of strategies. I came in as something of a novice about that subject but I received very rigorous training. That training came from one Michael Moore, who in those early planning days gave clear and detailed instructions about what does and what does not make for a strategy. I well remember those lessons, but I sometimes wonder whether Mr Moore remembers them because I believe that in this document, as in an earlier one we discussed this year, the strategies are not as he laid down to me some years ago.

Let me acknowledge that this is a draft. I believe there is still quite a way to go for it to be well accepted as a comprehensive drug strategy. Mr Kaine and I were able to compare our notes on this and I had underlined exactly the same areas that he had underlined. It is not as it says it is. It is not a drug strategy. As he did, I will refer you to page 12, which says that from here on, after the earlier debate, the emphasis and the objectives of this strategy are on the public health aspects of harm minimisation. So that is what this title should be. Simply that - "Harm minimisation". Then we go on to discuss in some detail that harm minimisation.

Mr Moore: It is a harm minimisation strategy, yes.

MR WOOD: Yes. I would like to see more than that. Strategies cover a whole area of aspects. This hints at that. This talks about supply reduction. It mentions it but it does not deal with it because it is not part of the strategy. So let me make that point first of all - that it is not as it claims to be.

I want to go on to some of the detail. Again, we will not see it here but it should be here. I have the answer to a very large part of the drug problem. I confess to being quite unknowledgeable about how to deal with drugs, but I have a very important answer that you will all instantly acknowledge.

Mr Moore: We are listening, Mr Wood. You have our attention.

MR WOOD: Yes, you will all wait. If we offered every person a job, if we had a sound social environment, and if young people in particular were guaranteed a productive future, a very large part of our drug problem, I would argue, would disappear. I think that is sometimes neglected. I think as we argue these issues we tend to overlook that.

Let me acknowledge also, from briefings I have had in earlier times, that there is still quite large recreational illicit drug usage in the ACT. Many of those who come under that category are already in sound, constructive and useful jobs. Some of those, as we know, are among the victims of drug overdoses because of the high purity of the drugs that they receive. So there is one answer, and it is not an answer just for the ACT.

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Certainly, the current Liberal Government, I would claim, is endeavouring to provide that sort of social and economic background. I might argue about some of the ways they want to do it. Certainly, earlier Labor governments have tried to do just that. But we still have this endemic difficulty with providing jobs for every young person, and I do not have the answer to that, I might say.

I want to raise one specific issue because there is another answer that the Attorney-General, Mr Humphries, can see is put into effect. Mr Humphries, in particular, is the man who can do this. I might rely on him to interject with the figures because he put out some data last year or the year before about who makes up the ACT prison population. A very large percentage is drug related. It is about 80 per cent?

Mr Humphries: Probably 70 to 80 per cent.

Mr Moore: Jeff Kennett said 80 per cent the other day.

MR WOOD: So, something like that. It is a very large percentage. This document acknowledges that in a sense. If our ACT prison that we are about to put into place does not specifically, carefully and rigorously cater in particular measure for the majority of its population, then we have missed a great opportunity. It really has to be there. It has to be something different, and this has to be spelt out before it starts. I think we would acknowledge, on briefings that I have had over the years, that prisons have not been very successful, firstly, at keeping drugs out, and, secondly, at looking after prisoners, training them and rehabilitating them so that when they leave prison they do not necessarily fall back into their old habits. Nowhere have people been successful in that. With the new prison, with that extensive drug-related population, we must do something special and brilliant to deal with it.

I want to go on to a few of the points in this draft and, if I may, make some light criticisms of Mr Moore because I think the - - -

Mr Moore: Please do. It is a draft. We want to learn.

MR WOOD: Yes, it is a draft.

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

Mr Humphries: I require the question to be put forthwith without debate.

Question resolved in the negative.

DISTINGUISHED VISITOR

MR TEMPORARY DEPUTY SPEAKER: Before I call Mr Wood, I would like to acknowledge the presence in the gallery of Mr Jim Snow, former member for the Federal seat of Eden-Monaro. I bid him a warm welcome on behalf of the house.

**OUTCOMES OF THE SPECIAL COUNCIL OF AUSTRALIAN GOVERNMENTS –
NATIONAL APPROACH TO ILLICIT DRUG USE
Ministerial Statement**

Debate resumed.

MR WOOD: Casting his eyes over this place, is he? Welcome. I am referring to page 28 of the document. This is a document about strategies. At about the fourth segment down, on how to improve health promotion, for example, an important aspect, it says, is to develop strategies. Now, I have said this sort of thing before in respect of another document. Develop strategies. I mean, this is what this document is about, and I do not think it gives itself strength by saying here “develop strategies”. I think we need to see the strategies outlined here. Right through all the key pages here where the strategies are indicated, where the actions and further development are outlined, I think there is lack of detail, lack of clear goals, lack of intention as to what should happen. When this draft is further reviewed I would like to see something more in it.

As I discuss one of these actions here I will make some reference to the Federal document that the Chief Minister gave to us yesterday. I have been trying to get that document but I have not been able to get the original, so I have had to rely on her no doubt very accurate statement. If I have some reservations about the strength of this ACT document, let me say it is a million times better than the Federal document. It is a lot better because there are three key themes in that Federal document. The first is zero tolerance of illicit drugs in schools. Yes, that is all right, but supporting the expulsion of some students on drugs is the most outrageously ignorant action that I have seen from a Prime Minister in my memory. So I do not have any confidence at all that Mr Howard can lead the way in this attack.

The second theme is police referral of drug offenders to compulsory education, assessment and/or treatment programs. Well, that reads well, in a sense. Whether it is a practical way of going is entirely a different matter. These are two of his key themes. The third is a series of measures aimed at being tough on drugs and drug pushers in prisons, while diverting prisoners to treatment. Yes, well, good on you. I am sure all prison authorities around Australia will say, “Well, great, how do we do that?”. I certainly hope Mr Humphries comes up with the answers on how that might best be done in the ACT prison. These key things seem to me to be entirely deficient in regard to what ought to be done.

I am impressed by the comments that there are many ways of handling the drug problems, because there are many people involved in drugs, many different approaches, and you have to treat them almost on a one-for-one basis. There are many different ways of doing it. That is why I support the ACT heroin trial. It is a trial. For heaven’s sake,

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let us try these things. If it is not successful, well, we try something else maybe. That is why I support the safe injecting rooms. I am not particularly optimistic about that outcome, I might say, but I will support a trial of it.

Mr Moore: With proper evaluation.

MR WOOD: Yes, indeed. We must try these things and all sorts of other measures because there is no one answer. There is no answer that is, alone, the way to go. If we try those sorts of approaches and the Howard approach, which is very constricted, we will fail, as we have failed in the past.

With reference to the Federal Government, I think what Mr Howard has come up with is a great disappointment. I think we must note that he is in the position to provide much of the lead in what is to be done. Mr Howard has one thing in his strategy that is an enormous advantage, and that is to provide a fair whack of money. That is something the ACT Government probably cannot do. He has that, and I expect that out of that we are going to get the youth detox centre or something of that order.

Mr Moore: Only two-thirds of it.

MR WOOD: Thank you, Mr Moore, for that indication. Well, we will get that and that is a high priority. Mr Howard has the money. I think if he gave that to us, plus a lot of moral support in other ways, we could make some serious efforts at trying other options, but he has the money.

I note here, at the bottom of the table on page 29, referring to the "Turning the Tide" strategy in Victoria, that it says, "Investigate the provision". Well, okay, investigate. I do not like the word "investigate" spelt out in strategies too much. I would like to see something more definitive.

I was in Victoria recently talking on matters of men's health, but we came across quite a deal to do with the "Turning the Tide" strategy. The Victorian Government has put a lot of money into it. They have taken people aside. They have put them into schools. They have provided training. They backed up "Turning the Tide" with appropriate funding. Again I acknowledge, Mr Moore, that it is a problem for you because the funding is very hard to get. Perhaps the word "investigate" might be useful if you can find innovative ways of using some of those principles.

In our schools, where "Turning the Tide" in Victoria is principally aimed, there are many teachers who spend a large amount of their time attending to these matters. Schools already spend a lot of time on drug matters, illicit drugs as well as the conventional drugs. Maybe, if we work through schools and teachers who are already doing the job, and other agencies, we can apply some of those principles without enormous amounts of money. I acknowledge the difficulty.

I will close by saying that when this draft is firmed up to become the strategy I hope it is much clearer in respect of targets and in respect of resources in particular. I hope that we are much more explicit about where we are going and exactly how we are going to do it, rather than too much vagueness. I give credit to Mr Moore. I think the ACT is in a position to take a lead in Australia. If there was some money there it would be a big

help. But let us get a strategy that does look at a wide range of options, one that looks at different ways of attending to the many different sorts of people and problems that we have. Let us look at that variety. Let us be as determined and as specific as we can, and I think, in the end, if we can do that we will have a good strategy.

MS TUCKER (5.09): I am pleased to see that the Government has produced this draft drug strategy. As members are no doubt aware, I have on several occasions expressed concern about how the Government and Mr Moore in particular have managed the consultation process in regard to initiatives related to drug policy. As someone who is sympathetic also to the agenda of drug law reform and progressive approaches to drug issues, I have been concerned that the Chief Minister and the Minister may do the drug debate more harm than good by pushing the more controversial measures of their agenda without due regard for proper process or the sensitivity of the issue.

It is essential that the community have confidence in the processes and feel included in development of policy in this area. Without this there is less likely to be support for drug law reform or the harm minimisation approach. We need to work with the community to find solutions to this serious social problem.

The evaluation of the 1995-97 drug strategy and the draft strategy acknowledges that there is a poor understanding in the community of the harm minimisation approach. The concept of harm minimisation will not be owned or accepted by the community if it is not explored or allowed to be questioned or challenged. To some of us it is a reasonable approach and to others it seems total madness. We have to have open discussion on it. There is a section in the strategy on coordination, collaboration and consultation. We hear claims from the Minister that he does consult, but the practice is unfortunately somewhat different.

The proposal to establish a trial for the safe injecting room is a good example. There are good arguments to establish such a facility, and there are also legitimate concerns to be addressed. It is absolutely critical that such a proposal be seated in a holistic and comprehensive drug strategy which is developed in consultation with and has reasonably wide acceptance by the community. After Mr Moore sprung the proposal on the Assembly I spoke with him and cautioned him about his approach. I asked him to wait until an evaluation of the last drug strategy was made public and a new drug strategy was agreed upon. I also asked him to initiate a process of thorough consultation on drug abuse similar to that held in Melbourne.

For those members who are not aware, the Lord Mayor of Melbourne initiated a consultation process on reducing the harm. Consultation occurred with stakeholders at three levels: Community consultation through a series of forums; focus groups for significant stakeholders; and expert workshops to discuss future directions. The results of these forums helped inform Melbourne's drug action plan. The themes of the community forums were "Reducing the harm", "The communication gap - young people and illegal drugs", and "New approaches to responding to illegal drugs". There were also three forums for local business.

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The drug action plan was based on reducing the harm for people using drugs, reducing the harm for families, residents and the community, reducing the harm for business, and reducing the harm for workers, students, visitors and tourists in the city. This was a holistic approach to a complex social problem.

In response to my request for a similar process in Canberra, Mr Moore held one public meeting on the safe injecting room, which did little more than put everyone fairly and squarely in their respective corners. Now, Mr Moore has said - - -

Mr Moore: Rubbish, rubbish, rubbish.

MS TUCKER: Mr Moore interjects “rubbish”, and I find that fascinating. I must say that Mr Moore is great at spin. I acknowledge that. We all acknowledge that. When I saw the media the next day and I saw Mr Moore summarise what happened at that forum, I thought, “Ten points for spin and no points for the truth”, because what we saw at that forum - - -

Mr Moore: Come on, Kerrie; we do not call each other liars.

MS TUCKER: What we saw at that forum was the various people and players in that meeting putting their positions from the floor - - -

Mr Moore: I take a point of order, Mr Temporary Deputy Speaker. “No points for truth” implies that somebody is lying. I think that any implication of lying should be withdrawn.

Mr Berry: Mr Temporary Deputy Speaker, this was about a matter outside this Assembly and no accusation was made in this place.

Mr Wood: That is right.

Mr Humphries: No, Mr Temporary Deputy Speaker, it has been made in this place.

MR TEMPORARY DEPUTY SPEAKER: Order! I uphold the point of order and I ask the member to withdraw.

MS TUCKER: Look, I will withdraw it. That is fine.

Mr Moore: She has done it. She has withdrawn it.

MS TUCKER: Look, I do not want to offend Mr Moore. I want to get this on the record. I do not particularly want to offend Mr Moore. I think we can probably work better together on this now.

Mr Moore: No, we cannot. I am going to get stuck into you.

MR TEMPORARY DEPUTY SPEAKER: Thank you. I thank Ms Tucker.

MS TUCKER: Oh, I am not allowed to get stuck into you. Okay.

Mr Moore: No, go for it.

MS TUCKER: Sensitive, Mr Moore. Okay. So I am not allowed to criticise Mr Moore because then we can never work together again.

Mr Moore: No, you cannot call me a liar, but you can get stuck into me in any other way.

MS TUCKER: Excellent.

Mr Berry: You cannot call him that. Everybody knows that.

MS TUCKER: I am putting on the record what has happened because I am sick and tired of Mr Moore's version of it.

Mr Moore: I raise a point of order. Mr Berry has just said that you cannot call Mr Moore that because everybody knows that. In his interjection he is now calling me a liar. I think this is entirely inappropriate, Mr Temporary Deputy Speaker. We do not need this sort of stuff. Of course we can have a vigorous debate. I do not mind having a vigorous debate with Ms Tucker on the issues, but we do not need to lower the standards like that. I think Mr Berry should withdraw that interjection.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Moore. Mr Berry, you should know better.

Mr Berry: Well, I saw his form on education.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, do you withdraw?

Mr Berry: I withdraw it.

Mr Humphries: Mr Berry has, in effect, made a further allegation on education.

Mr Berry: No, no. I said - - -

MR TEMPORARY DEPUTY SPEAKER: Order! I am listening to the Minister.

Mr Humphries: Mr Berry's comments in respect of that should also be withdrawn.

Mr Berry: I will not be withdrawing "they saw his form on education". I withdraw any imputation, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Berry.

MS TUCKER: I will move on. I do want to make clear what I am saying because Mr Moore is obviously very offended that I have said this, but at that forum there was not a real seeking of common ground. Some people who were recovering addicts said the only way to do this is abstinence. Other recovering addicts said we need harm minimisation; we need a safe injecting room. Some people in the community said harm minimisation is a flawed policy; we need zero tolerance. All the positions were flagged.

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The idea of the forums in Melbourne was not that. It was about finding common ground. That is why I actually highlighted what they did there. It was about reducing the harm for the users and reducing the harm for the business community. So you did actually look at the whole community in a way that was much more holistic and looked for common ground. That was the whole point of the way they did it, and that is why I was not happy when there was one meeting held on the safe injecting room.

Mr Moore has now said that he will ensure that a drug policy is in place, and I commend him for that, before he brings the safe injecting room back to the Assembly. I do hope that if the community consultation process is very strongly against such a thing Mr Moore would at least acknowledge and try to address the concerns that led to that position. I do not have a problem with governments progressing policies that they have actually run on. Mr Moore has been clear on his particular position on drug law reform and I have supported that. What I am saying is that, if there has not been a really genuine and thorough attempt to work with the community, he has a lot less credibility in pushing ahead with that. He probably would not get the support of members of the Assembly either. So, it is in everybody's interests to acknowledge the importance of working with the community on these sorts of issues.

Mr Moore and I obviously do have a fundamentally different approach to involvement of the community in policy development. I know it irritates him incredibly when I keep talking about it, but I believe it is especially important in this area. No-one owns this issue. Many people from different sections of the community are hurting because of drug abuse. Many have been to funerals of young people, or have watched helplessly, or experienced themselves, the struggle with addiction. Many have watched the increase in drug dealing in our city, the increase in prostitution for drug money, young people ending up incarcerated because of their addiction, the illness many have suffered, and the violence and property crime as a result of drugs. We have seen young people incapacitated for life due to injury caused through alcohol abuse, drink-driving in particular.

Many have also seen loved ones die from smoking-related illness, or have watched loved ones with mental illness self-medicate in some way and then be caught in the dual diagnosis gap in services, and so it goes on. The Aboriginal and Torres Strait Islander community have also been struggling with particular cultural issues in this area for too long. We need to work together and to listen to each other to understand the reasons behind people's positions, and if they hold a different view not just dismiss it out of hand as ill informed or wrong.

If, as legislators, we promote a particular response to drug abuse which alarms people, then of course we must acknowledge that and work to improve understanding. As I said, the evaluation and the draft drug strategy both acknowledge that there is a lack of understanding in the community about harm minimisation. Mr Moore said the other day that Miss Curley had said something to him similar to what I am saying and he took it seriously. I wonder if I need to be 100 years old before he listens to me, or I just do not have that same credibility, obviously.

It may be that we can never all agree, but at least government should seriously try to find where there is common ground and build on that. It is in everyone's interest to do so. If there is one thing for sure that we can all agree on it is that there is no simple answer to the problem. The concerns and fears expressed by the community are legitimate and need to be respected and addressed.

The other important element of this discussion and this discussion paper is priorities. Where and how do we decide where scarce funding should be put? I noticed in the evaluation a comment that there had been no implementation program. This is something Mr Wood has picked up. I hope Mr Moore is listening to this bit. As the evaluation mentioned in respect of the last strategy, there was no implementation program. I hope we are going to see one this time because it is really important. Mrs Carnell yesterday told us of increased Federal funding and we are, of course, pleased to see this money. However, it is obviously not enough to cover all the areas of need.

Substance abuse is both a result and a cause of problems in individuals and in society. Obviously there is a continuum of responses within the harm minimisation approach. The least harm will occur if people do not use drugs at all, and, at the other end, we need to try to minimise the impact on the broader community and help people who use drugs to do it as safely as possible. The different service responses to that continuum of need are listed in the draft drug strategy, although, of course, the police issue and reduction of supply and so on were not part of this strategy, which has already been raised by Mr Wood.

It is clear that there are a number of priority areas needing funding. Areas which are listed as priorities include a dual diagnosis response, availability of mental health services, training of service providers, Aboriginal and Torres Strait Islander people - they must be well and truly fed up with being yet again a dot point in a strategy or a report but not considered a priority and therefore not singled out for realistic funding - and diversion of drug-dependent people away from the criminal justice system. I noted what Mr Wood said about the prison and how there needs to be really best practice there if we are expecting 80 per cent of the residents to be there for drug-related crime. This point of the strategy is actually about trying to change that situation and diverting people away from the criminal justice system. (*Extension of time granted*) If this strategy was successful a lot less than 80 per cent of its residents would be related to drug crime.

Other priority areas are support for victims of trauma and sexual violence, data collection, research and development, best practice and drug education. I would also add that a holistic harm minimisation approach would include support for children at risk in the education system, family support services, appropriate and safe housing options and, as Mr Wood mentioned, an economic policy from government which produced employment.

The Social Policy Committee of the last Assembly produced a number of reports which are entirely relevant to this debate. They include the violence in schools report in which we dealt with issues related to mental illness in young people and people not being successful in the school system, and violent behaviour resulting from abuse in families.

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Coordination and integration of services also came up again, as did support for teachers to deal with the issues, availability of counselling services and so on. Then there was the inquiry into services for people with mental illness, which is also very relevant to this discussion.

The inquiry into the closure of the School Without Walls was also very much related because once again it was about trying to give these kids who are struggling an option other than just taking drugs. When nothing else is working it is quite an attractive option. All these inquiries came out with a strong position on the importance of preventative and early intervention responses, and my concern is that they never seem to be as attractive to politicians as the more dramatic or controversial responses.

Mr Speaker, I will also take this opportunity to raise concerns about another process issue, much as it will annoy Mr Moore. There is a disturbing tendency in this Government to not always hold genuine consultation. Also, it has become clear that public policy is not often supported by thorough information, whether it is in the area of gambling, roads through nature parks or drug policy. I am concerned that there has not been a serious evaluation of the current services. I know my office certainly get feedback on this, as no doubt other members do. This surely is basic to developing future directions for the sector.

The draft strategy does acknowledge the need for data collection, evaluation and better practice, and so, after the fact, we will see this work commenced. I am pleased to see that that is acknowledged and that it will commence, but I am sorry that this work was not picked up earlier. The department has taken close to 18 months to evaluate the 1995-97 drug strategy, and it could have done some of this work then.

Looking at this section of the draft strategy in particular, I do wonder what the sector is supposed to make of it. I am talking about the data collection here. It says in one action:

In the context of contract agreements with providers encourage improved data collection, research clear evaluation mechanisms, performance indicators and better practice.

My question is: What exactly does “encourage” mean in the context of contract agreements? Contracts usually have to be specific. How does this sit with the principle of accountability? Is it now the responsibility of the providers to develop performance indicators? That is also surprising to read, and I am sure the sector will be interested in that. Is it not the responsibility of the purchaser in partnership with the sector to develop performance indicators? Why is it that within the contract we are only encouraging better practice? Surely this has to be clearly spelt out once again. Where is the accountability here?

Another very important question here is: Will these extra requirements be integrated into the pricing of services? The next action list does not just encourage through contracts but actually requires, as part of the contract agreement, that providers collect data on particular client groups. So, will this be integrated into the price? Maybe this will, and the providers who are just encouraged to collect data will not have the work included in the pricing of the service. Do we have a pricing policy yet anyway? I would be interested in Mr Moore’s response to that question. I am sure, now that Mr Quinlan’s

committee is looking at service purchasing, that someone must have been given the task of working out such a policy. I will not speak out any further now about how services are being purchased in the ACT, although it is certainly relevant to this debate. Taking a long-term perspective and adopting an informed and thorough policy process is basic to good government.

Mr Speaker, we have some hard questions to ask ourselves. I do not think six weeks is long enough to get comment from the community on this draft strategy, particularly as the time also included holidays. The draft strategy speaks of collaboration and partnership, but the practice does not. It would have been much better if the Minister had picked up the example of Melbourne and allowed development of a drug strategy to be supported and informed by a series of community forums. Yes, there was consultation and evaluation of the last strategy, but it is absolutely clear that this needs to be an ongoing process, and development of a strategy requires different questions to be asked.

Mr Moore probably will claim that this approach will cause unnecessary delays, but it was Mr Moore's department which took over a year to evaluate the last drug strategy. It obviously was not a problem then. The Government must ensure processes are transparent and it must take an inclusive and holistic approach to this issue. The divisions are not just going to disappear. It was clear how much division there is from Mrs Carnell's words yesterday on the outcomes of the Special Council of Australian Governments' national approach. There obviously is not an agreed approach across Australia between the heads of States. I commend the various heads of government, including our Chief Minister, for working towards, and being committed to working towards, finding a common approach. I am asking that we do the same as much as possible within our own community.

MR SPEAKER: The member's time has expired.

MR OSBORNE (5.27): Mr Speaker, this draft strategy certainly is very comprehensive but I would also argue that I have found it very confusing. It is confusing because it is not clear whether it is Mr Moore's drug strategy or the Government's. It contains proposals which I have often heard Mr Moore speak about since I have been a member of this place, but I have yet to hear most of these proposals owned by either the Government or the Liberal Party. While I will speak more about that later, Mr Speaker, I wish first to consider the foundation of this strategy, harm minimisation, and Mr Moore's public health model which is diagrammed in Appendix 3 on page 46.

Mr Speaker, at face value, harm minimisation sounds fantastic, with room for separate strategies for supply reduction, demand reduction and harm reduction. I submit, however, that the concept of harm minimisation still has little acceptance by the wider Canberra community, especially its perceived tolerance of illicit drugs. People become both concerned and confused when they hear their politicians speak lightly of illicit drugs and they wonder how we ever came from the place of focusing on prevention of drug use to the point of apparently tolerating their use and putting on a brave face about it. Almost without exception the parents who contact me say the same thing, "We do not want our children growing up thinking it is okay to take drugs", but they feel that the central message of harm minimisation does not give them the support that they need to help their children make good decisions about drugs.

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Mr Speaker, it is a tragedy that one in five deaths in Australia is drug related, an absolute tragedy. However, I believe that each of these deaths is preventable. To this end, I believe that a greater effort needs to be made in the area of supply and demand reduction. Together, they focus on the prevention of drug use. It is a natural enough desire, Mr Speaker, to wish for the simple solution. Buy a lottery ticket and win a fortune. People do it every day, in the hope of changing their mundane lives and, at a personal level, taking a chance is not a very serious issue. When considering such a community problem as the misuse of drugs, however, the implications of using a simplistic approach are far more serious.

I understand that it is far easier to just accept drug use as a part of normal behaviour, so we should just try to live with it as best we can. I also understand that it is considered far too hard for politicians to try to do something about the reasons why people take drugs to excess in the first place. Drug abuse is a problem that arises most often out of families that no longer function properly, something for which there is no quick fix. There are generally no votes for politicians who delve into how husbands, wives and children actually live together, so they avoid the subject altogether.

I am convinced that far too much effort has been put into harm reduction in recent years, and far too little into prevention and early intervention. Mr Speaker, the harm minimisation approach is yet to be independently evaluated. I know the Department of Health and Community Care recently evaluated its use of this approach and, surprise, surprise, decided it was doing a fantastic job. I remain convinced, however, that harm minimisation has two major hurdles to overcome which, in their enthusiasm to demonstrate how wonderful it was, successive Health Ministers have ignored.

The first, which I have already mentioned, is that harm minimisation sends out mixed messages to a potential drug user and their families, and does not have wide community support. The second is that, while harm may often be minimised for the drug user, it is just as often increased for the public. There is no better example of that than the Minister's much-lauded needle exchange program.

Mr Speaker, I believe there are 1,369 needles handed out every day. The Minister informed the Assembly last year that the needle exchange program handed out over 500,000 needles in 1997-98. If the service worked all 365 days, it would have handed out just over 1,369 needles a day. That is how I came to that figure of 1,369. To put it another way, if it ran 12 hours a day it would be handing out 114 needles an hour, or almost two a minute. And every day 456 of those needles go missing somewhere on our streets.

I would like to ask the Minister whether there has ever been an audit of what happens to those needles. I was interested to hear him claiming earlier today, Mr Speaker, that 80 per cent were handed back in. He told us only a couple of months ago that one-third of those needles were unaccounted for, so obviously there has been a marked increase in the last couple of months. Mr Moore assumed that one-third of these needles that were unaccounted for went into landfill. Canberra's injecting drug users may have all the clean needles they want, but every year over 150,000 of those syringes and needles are left in the way of the public.

This year Mr Moore has been arguing for a drug injecting room because of the serious health risks arising from the unsanitary disposal of equipment in public areas. Unfortunately, Minister, you cannot have it both ways. The 150,000 missing needles are either in the landfill, as you said, or have been left lying around in the city.

Mr Speaker, let there be no mistake: The logical end of the so-called harm minimisation approach is the blanket legalisation of the sale, possession and use of illicit drugs. If members doubt that they need look no further than the jurisdiction Mr Moore is imitating with this proposal for shooting galleries. Despite having the most liberal drug laws in the world, Switzerland just had a referendum, pushed on them by the proponents of harm minimisation, which would, if passed, have seen the legalisation of drugs, including heroin and cocaine. Seventy-four per cent of the Swiss population thought that was a perfectly idiotic idea and rejected it.

Mr Speaker, what we are searching for as politicians is the best, imperfect, answer to the problem of drugs. It strikes me that none of Mr Moore's supposed answers have ever been put to the test. Even if a fraction of those 150,000 missing needles are on our streets, the Minister's harm minimisation approach is actually maximising the hurt to the rest of the community.

Mr Speaker, of course I care about the more than 3,000 Australians who have died from an overdose over the last 10 years, but I care more about the health of the wider community, as the Health Minister should, and I will not support programs that may, and I emphasise "may", assist a small minority while greatly increasing the harm done to the rest of the community. I believe in the age-old principle of the common good, Mr Speaker - finding the greatest good for the greatest number. In the absence of perfect answers, I can find no better guiding principle. I do not believe we minimise harm to people by pandering to their weaknesses. I do not see it as a kindness to stand idly by and watch a fellow human being fill their veins with a life-destroying drug.

There are several contentious proposals put forward in this drug strategy and I wish to hear, and not from the Health Minister, whether or not each of these proposals is collectively owned by government members. The specific proposals I am referring to are the provision of syringe vending machines at various points around the city, giving out syringes and needles to prisoners in the new ACT prison, and the establishment of a shooting gallery in Civic. I especially look forward to hearing from you, Mr Speaker, as a member of the Government, on these matters. I can assure the Health Minister that the availability and provision of health services to the inmates of ACT prisons will in due course be a matter of great interest to the Justice and Community Safety Committee.

Mr Speaker, change is not always real reform. Too often I believe that Mr Moore, and Mrs Carnell before him, have taken hold of the latest theory put forward by some of their drug law reform mates outside, and also in the department, in search of a quick headline. In doing so, they have offered no real solutions, while placing the wider public at risk. I for one have little time for taxpayer-funded programs such as teenagers who take injecting drugs teaching other teenagers how to take those same drugs.

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Mr Speaker, I will be following the progress of this draft strategy with great interest and I wish to put the Government on notice about that now. I intend, Mr Speaker, to scrutinise the Minister's health budget with the greatest of care, especially in relation to the safe injecting room.

MR MOORE (Minister for Health and Community Care) (5.36): Mr Speaker, I would like to respond to a series of issues that have been raised. Let me say first that this is a draft drug strategy, and officers of my department have been listening carefully to this debate. They will also go through the *Hansard* to take into account what members have said so that we can build that into our drug strategy where possible. There are some areas where we clearly have quite different perspectives. Those different perspectives will be resolved by a vote of the house. That is something that I think I will come back to when I discuss what Ms Tucker had to say.

Mr Berry started by talking about the history of heroin and how it was banned from Australia because it was overused. In fact, that was inaccurate. In 1953 the pressure was from the United States. There is a very good rendition of this in the book by Desmond Manderson, *From Mr Sin to Mr Big*. It explains that the British Medical Association, Australian Division, which is now the Australian Medical Association, strenuously objected to the loss of this very useful drug. That is a very minor point, in terms of Mr Berry's account, but I think one that is very pertinent. It was not because it was causing problems that it was banned; it was because of pressure from the United States. As I say, that is a very minor point.

I would like to say at the outset, Mr Speaker, that I am interested in ensuring that the drug strategy we have before us is a very broad approach. There is no doubt that in public circles and in the media - each of us knows the way the media works - the focus is on the controversial things. The controversial things have been the heroin trial and the safe injecting place, and I will come back to those.

The real issue for harm minimisation in this strategy is the killer drug, tobacco, and it is one that this Assembly has worked on, from its inception, pretty well as one. There have been a few tiffs around the edges. Mr Berry started with a very strong and tough stance on tobacco, a harm minimisation approach - not to ban it but to continue to make sure that we reduce harm. That is an approach that I am proud to continue. We also have a strong harm minimisation approach with regard to alcohol and to other drugs, and we will continue with that approach.

When I hear Ms Tucker say you really have to work very hard to get a common approach, I think there is a point at which you cut the line and say, "No, enough of a common approach. We can't do that. We are going to take a stance". Otherwise, all you can get is the lowest common denominator. I think that is the difficulty in the approach of Ms Tucker - that we can always bring everybody on board.

Mr Stanhope, in his speech, raised a series of very important points. Other speakers also raised an issue about scrutiny and evaluation. A decision was made in the first strategy that, within the budget that was available, we had to get on and deal with harm minimisation and not spend the money on evaluation and scrutiny. At this point, coming out of the evaluation is the notion that we do have to spend more money on that so that

we can tell where we are going. I think there may be some debate about whether that was a good thing or a bad thing, but now we are going to put into place measures to ensure that we can evaluate what we are doing and that there is a proper scrutiny of it.

Mr Kaine raised a number of issues. In particular, he said that this is really a strategy that is about health. I have to say, yes, we do look at a series of other policies, and we refer in this policy to what the police are doing. But what we are interested in, most forcibly, are the health issues, and that is what we are going to do.

In terms of education, Mr Kaine asked what my colleagues are doing. Mr Stefaniak has introduced separately a draft education strategy for drugs. I think that is also available for debate in this Assembly at another time. We purposely kept that separate because how we do drug education is of great interest to the community. We must do it, but we also must be careful how we do it.

Mr Wood raised the issue in his speech and talked about making sure we educate our students, but also educate our teachers. I am aware of at least one report that looked into Life Education and how it was delivering services in Victoria. The result was that where Life Education had been doing what they believed was best in order to raise these issues with young people – this is before they changed the way they did things - there had actually been an increase in the usage of drugs in those schools. It was a very clear finding. We have to be very careful about the way we do these things. When I come back to Mr Osborne, I will point out the danger of the approach that he has advocated.

Mr Wood also said that we have to make sure that we actually genuinely have a strategy, and he came back to the lessons that I had given him on planning. How much, when and where was what I used to reiterate, and I am taking that on board, Mr Wood. We are looking at details and we are looking at goals. We will take that on board. But we also have to be careful that, in respect of these issues, we have a strategy and we have an implementation plan as well. I think we have to be careful not to confuse those two.

Mr Wood also said - and in some ways a similar approach was taken by Ms Tucker - that if we really want to solve the drug problems, then look at jobs, look at the social background, look at the environment and look at making a productive future for young people. I could not agree more strongly. Of course, they are the very issues that this Government is wrestling with. That is why we are so pleased when there is a reduction in unemployment. That is why we are so pleased when we can move on some of those other social issues which are behind it. It is not a simple issue to deal with. It is a very complex issue to deal with, and we are going to continue with it.

Mr Wood also raised, in respect of education, the Prime Minister's approach to just expelling students if they are involved in drugs. If you expel them from one school, where do they wind up? In another school. They will definitely wind up in the public education system. In the Prime Minister's approach, the example he was using was a particular private school. It seems to me, Mr Speaker, that our schools should be able to have a very positive approach to this. In fact, we already have a very good example within the ACT. Lake Tuggeranong College, as part of their healthy schools program, which is founded on the World Health Organisation's healthy cities concept, does deal with these issues in a very positive way. I think we could look at that as a model.

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I know that it is built into the educational strategy that my colleague Mr Stefaniak is dealing with.

There was also the issue of the Prime Minister talking about forced treatment. I think we have to be very careful with forced treatment. If you say that this person is to be forced into treatment and if they fail they go directly to gaol, do you take into account the average number of times that people try to seek rehabilitation? I do not know whether members are aware, but the average number of times that people try to give up drugs is 17. These are people who are genuinely trying. That should not be a surprise to us because we have seen people around us who are smokers - perhaps some of us have been smokers ourselves - who have had to go back again and again to try to give up smoking. It always takes quite a number of times. We are incredibly tolerant of people who have tried to give up smoking, who do their best and who try to manage it. I think we should also be tolerant of people who are dealing with these drugs as well.

Ms Tucker said to me that I listened to Sylvia Curley, and does she have to wait until she turns 100 before I listen to her. No, I listen to Ms Tucker. I listen to her very carefully, and I take what she says into account. The thing I find incredibly frustrating is that Ms Tucker does not listen to me. She never listens to me. She does not understand what I am trying to say. What I am trying to say to her is that there is a balance between the sort of endless process that she talks about and the dangers of delay. Everybody who has looked at policy implementation knows that if you do not think you can knock something off, the best thing to do is delay it. That is the difficulty with what Ms Tucker is saying. We have to get that balance right.

Let us not forget the evaluation that the drug strategy has gone through. As she said, it went for more than a year. If she looks at the list of people who were consulted through that process, the key stakeholders, we have been through an incredibly long process. But, no, she says, "You should listen to Ivan Deveson". Well, Ms Tucker, I have talked to Ivan Deveson about this very thing. I have talked to him about the frustration he has with people who are just implacably opposed to what he is trying to do. I understand those frustrations. Sometimes you cannot say, "Yes, we all agree; we have met everybody's needs". Sometimes you draw the line and say, "No, there are going to be some people who disagree with this, but our judgment, the judgment of the elected people, is that we have to proceed on a particular issue or not proceed". (*Extension of time granted*) Thank you members, and thank you, Mr Speaker. I will try to be brief.

Ms Tucker did raise a series of other things, following the line that Mr Wood raised about social issues. We should fix every social issue, and she put up a wish list. Well, Ms Tucker, we share that wish list. Of course we would all like to be able to resolve those things, and we are working very hard to resolve them. But we do work within a confined amount of revenue coming from the Commonwealth and a confined amount of revenue that comes in from the people of the ACT. Within that context we are bending over backwards to do what we can to deal with those things.

Then, Mr Speaker, we had the most shallow speech of all, and that was the one from Mr Osborne. He suggested that politicians speak lightly about these issues. We do not speak lightly, Mr Speaker. None of us speak lightly. I know that Mr Humphries has agonised over these issues. We have had differences of opinion for many years. We try to find a fairly similar approach on many of the issues, although still with some minor

differences. I have agonised over these issues. I served for close enough to six years on Assembly committees looking at this issue and I went back to do university part time. It was not done lightly. I know that each member, even though we have differences of opinion, takes these things very seriously because we are aware of the anguish for families. We are aware of the people who are dying. We are aware of the spread of disease and the mortality issues that we have to deal with.

There is no simplistic approach in what we are doing here, Mr Osborne. We have a very complex approach in this strategy, and I think it would be fair to recognise it. You refer to the evaluation that the Federal Health Department did on itself. It did not. In fact, it brought in Professors Rohl and Single, one of them an Australian and the other a Canadian, to evaluate the Australian harm minimisation approach and to look at our national drug strategy. Those professors said, compared worldwide, we have a good strategy that we ought to follow.

Mr Osborne raised three other issues. The first one, he said, was mixed messages. Harm minimisation does not send mixed messages at all. The first thing we say is that the best thing you can do to reduce harm is not use drugs. I do this with my children as well. Mr Osborne, when your children are teenagers and you take them through these sorts of issues, you will worry. You will worry greatly, as we all do. Every person who has kids going through this age group worries greatly, particularly if your kids hear you talking about these things regularly. But they understand the difference between saying, "The first thing we want to do is to not have people use drugs, but if you are going to use drugs make sure you do it safely". If you tell young people no, particularly teenagers and adolescents, the chances are very high that they will see it as their responsibility - a healthy psychological responsibility - to test that.

Secondly, Mr Osborne indicated that harm minimisation was about increasing the health of the user but not the community. Wrong, Mr Osborne. Needle exchange was the example you used. Needle exchange, more than anything, was about stopping the spread of HIV, and that is what it did. It did it in Australia. It did it successfully. It has been evaluated. By world standards, we did a fantastic job.

While I am on needle exchange, Mr Smyth brought down some examples of what has happened with needle exchange. I can tell you that our campaigns are working. Things are improving. We will provide you with the information that we have here. Things are improving.

The notion that there are 150,000 needles lying around in this city is a silly notion. We know that is not true. Everybody knows that is not true. I remind you of the sharps hotline. In fact, there has been a 15 per cent decrease in the number that are left lying around the city, thanks to the campaigns. I occasionally use the sharps hotline that Mr Smyth's organisation runs. My relatives have used it recently. It works brilliantly. Those people are doing a fantastic job and respond very quickly.

Mr Osborne quoted Switzerland and said 74 per cent of people rejected legalisation. Good on them. I agree with them. We would all vote with them. We do not want legalisation. I remind Mr Osborne that they had another referendum, not on legalisation but on the Swiss heroin trial. People were asked, "Should it continue?". A similar number of people said, "Yes, it should continue". In other words, we should have

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regulated availability. Every single canton in Switzerland said, "Yes, the heroin trials should continue". But the overall majority was around 70 per cent. They had seen it, they had trialled it, and the people said, "Yes, it's a success. Let's keep it going".

Mr Speaker, harm minimisation is definitely the way to go. We have a broad drug strategy, and we will keep working within that broad drug strategy. Mr Speaker, we do not have any such thing as shooting galleries. We are not interested in shooting galleries. Perhaps Mr Osborne was talking about safe injecting rooms.

Question resolved in the affirmative.

DISCHARGE OF ORDER OF THE DAY

MR MOORE (Minister for Health and Community Care) (5.52), by leave: Mr Speaker, I move:

That order of the day No. 6, Executive business, relating to the ACT Drug Strategy – 1999 Draft, be discharged from the Notice Paper.

We had a cognate debate, so we might as well discharge that at this moment.

Question resolved in the affirmative.

ESTIMATES 1999-2000 - SELECT COMMITTEE Membership

MR SPEAKER: Pursuant to the resolution of the Assembly of today, 22 April 1999, I have been notified in writing of the nominations of Mr Corbell, Mr Hird, Mr Quinlan, Mr Rugendyke and Ms Tucker to the Select Committee on Estimates 1999-2000.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 1999-2000.

ADJOURNMENT

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

That the Assembly do now adjourn.

**ACTEW – Proposed Merger
Sydney Hailstorm – Firefighters**

MR BERRY (5.53): During question time, Mrs Carnell raised the issue of those clients of ACTEW who purchased their electricity from other authorities. She asked why I did not write to them. They were the ones I thought were good corporate citizens and did not need writing to because they stayed with the local authority. Indeed, Mr Speaker, they are the people who do not just count the cost of electricity as their commitment to this community; it is not just about the cost of electricity. That is where the Liberals opposite missed the boat. They think it is just about the cost to the individual businesses. They do not even think about the profits, dividends and jobs that come to the ACT through buying from your local authority.

Mr Speaker, on 21 April I received a letter from Easts Rugby regarding the planned sale of ACTEW. Before I go on, let me say that many of these people, I believe, thought they were going to be forced into purchasing electricity from other sources because it was not going to be any different from dealing with an ACTEW that was going to be privatised. As I said earlier, that all changed with the emphatic decision of the Assembly. In that context, I have asked people to reconsider the issue sensibly and I have been warmly received by those people who have contacted me. Mr Speaker, the letter from Easts Rugby reads as follows:

Re: Planned Sale of ACTEW

Mr Berry you have been misled.

ESRU and ASC Inc. that is, Easts Rugby - has not gone astray. We are and have always been a customer of ACTEW.

In late 1998 I was informed (verbally) by ACTEW that our account may be subject to a takeover -

that is curious –

Subsequently, I was contacted by a Victorian based company offering cheaper rates etc. etc. The offer was not entertained.

Whoever gave the Government our name as a deserter of local businesses should be castigated as it is emphatically incorrect, bad mannered, without principle and done without our permission. The end result is a letter from you which casts our club (within the halls of power) as a business who does not support other local businesses.

We take umbrage with the inference.

Thank you for your letter and you may use this reply as you see fit.

Mr Speaker, that is one person Mrs Carnell can strike off her list, because her list was wrong and not checked. That ought to have been thought about before the list was published by the Chief Minister.

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Mr Speaker, the other thing I would like to do is congratulate the firefighters of the ACT for their commitment to helping New South Wales. According to a press release I received in my office today, at 9.15 last night seven crews, each of an officer and three firefighters along with support staff officers - a total of 34 - left for Sydney. In effect, these firefighters left their families to go to Sydney to help out with the disaster in Sydney. Yes, they are being paid, but that is not the same as being home with your family and friends and working in an environment in which you are comfortable. The work that they are doing is dangerous and they are freely giving of their services to assist the residents of Sydney who have been so badly affected by the disastrous hailstorm there. They have again shown dedication to the wider community.

Many of those off-duty firefighters have been assisting with the industrial campaign to secure them a fair deal in relation to their pay claim. It is a pay claim which they, on the face of it, are going to pursue until they achieve justice. I know what they are going through. It is a long time since I have had anything to do with the fire service, but I am sure that many of my friends and comrades in the fire service would be working in Sydney to assist the residents there. All they want with their wages claim is for the Government to treat them like they treated themselves. The Government thought that their deal was a fair deal and they should apply the same standards to the firefighters and treat theirs as a fair deal.

Mr Humphries: We have.

MR BERRY: No, you have treated them differently. They do not want as much as you want each year. They want less than that and you should treat them fairly. Use the same standards as you apply to yourself. Whatever is fair for you should be fair for them.

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

Tuggeranong Community Arts Centre

MR WOOD (5.58): I want to speak about one of the great successes in Canberra. Incidentally, it is one in which Mr Humphries himself has had a productive hand. It has also had my productive hand involved, as well as those of other members of this Assembly and of bureaucrats. I am referring to the Tuggeranong Community Arts Centre. It is really going very well. In fact, it has become a model in the ACT and beyond for how an arts centre in the community should work. Activity there has mushroomed over the year or two that it has been open and simply never stops. I did have a long list of the things that are happening, but it was just too long to read out. There is visual arts, there is performing arts, there is theatre, there are exhibitions, there are shows, there is a lot of education and training and, of course, there is a lot of just plain good fun. The young and the old and those in between are actively involved in doing things, all out of the community and drawing from other parts of Canberra as people come in and lend their experience and ideas are fertilised, exchanged and so on.

I am there from time to time and I hear lots of good reports as well as make personal observations. The strength arises - and I have told this to communities in Belconnen and elsewhere that want a replication instantly - because it came out of the community.

It came out of what was happening there. Mr Domenic Mico was an instrumental force in building up the energy there that allowed it to take off and do something. That is a lesson for other places. It comes out of the community and that is where its strength is. To use a little phrase of that great art critic Bill Lawrie, down there it is all happening. It is a great success. I hope that the members who are not in the Tuggeranong area will go there and see what is happening, because it really is a vital, active, energetic, wonderful place. I am very pleased to be able to tell you all about it.

Canberra International Dragway

MR CORBELL (6.00): Mr Speaker, I rise in the adjournment debate this evening to talk about the Canberra International Dragway. I was very pleased today to accept on behalf of the Canberra International Dragway a petition from 4,000 residents of the ACT and the surrounding region in support of the dragway. Mr Speaker, the ACT Government's inaction on this issue has been dismal; it has been absolutely dismal. I have 4,000 signatures there that demonstrate the inaction of both the ACT Government and the Federal Government on this matter.

Mr Smyth as the Minister for planning has been endeavouring to hide behind a smokescreen of legalese in relation to who is responsible for this matter, but the bottom line is that the Canberra International Dragway was entitled to a 10-year lease on the expiration of its old lease on the grounds that certain conditions were met, including the condition that the ACT Government determine the level of rent and certain other matters relating to the use of the site. The ACT Government has refused to do that. They have explicitly informed the Canberra International Dragway that they do not believe that they can do that, even though the lease document that the Canberra International Dragway holds says that it is the responsibility of the ACT Government to do so.

What does this mean for the dragway? It means that the Federal Government can stand up and say, "Oh, I'm terribly sorry, your lease option for an additional 10 years is unenforceable and we won't provide it to you because the ACT Government is not upholding its part of the bargain". Mr Speaker, when you put those two pictures together, what do you get? You get a situation where the ACT Government has allowed the Federal Government to get off the hook on renewing the lease for another 10 years. It is little wonder that 4,000 people have signed a petition saying that that is completely unacceptable.

Mr Smyth stood up in the Assembly earlier today and said that he had not refused to accept the petition. I will just read from the Canberra International Dragway's media release of yesterday in relation to the petition. It says:

The Minister for Urban Services Mr Brendan Smyth declined the opportunity to publicly accept this petition.

I wonder why. It was because he was completely embarrassed by the fact that his inaction had contributed to the closure of this facility. This facility brings in over \$2m a year in revenue. It brings in thousands of visitors every year.

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Mr Speaker, the only reason that Mr Smyth had a copy of the petition was that Mr Develin from the dragway did him the courtesy - I must say courtesy that was not reciprocated by the Minister - of providing the Minister with a copy of the petition.

Mr Speaker, that was quite clearly a terrible response by the Minister and, I have to say, a very disappointing one. He can sit there and tut-tut and he can sit there and play high and mighty on this matter, but quite clearly the actions of the ACT Government have contributed to the closure of the dragway. Mr Smyth's inaction in this regard is potentially exposing the Territory to millions of dollars in compensation claims. I think that the Minister needs to treat this matter a little more seriously than he has to date. The Labor Party and I, as planning spokesman, will continue to pursue this matter on behalf of the dragway. It is an important issue. The ACT Government, which talks so much about jobs and which talks so much about certainty in planning, has behaved abominably in this issue, and we will continue to hold them to account in that regard.

Canberra International Dragway Bus Services – St Clare's and St Edmund's Colleges

MR SMYTH (Minister for Urban Services) (6.05): Mr Speaker, I rise to speak on two matters. Mr Corbell should have continued to read Mr Develin's press release. The selective quoting in this place is quite amazing. The press release goes on to say after he stopped:

The petition calls upon the Federal Government to honour its commitments regarding the Dragway lease.

Mr Corbell walks away. I would walk away in shame as well. Mr Corbell has done Mr Develin a serious disservice and has done this place a disservice because his media alert - in fact, it is not a media alert, it is a "meda" alert, a m-e-d-a alert, and I might seek to have it incorporated into *Hansard* - says that the petition was "from representatives of the Canberra International Dragway calling on the ACT Government to honour its commitments and act to help reopen the dragway". Yet Mr Develin's press release says that the petition - his petition - "calls upon the Federal Government to honour its commitments regarding the Dragway lease". Mr Corbell should apologise to the dragway people for misrepresenting them in this manner. Mr Corbell's media alert goes on to say:

Planning Minister Brendan Smyth has refused to accept the petition.

Mr Corbell again does Mr Develin a disservice because Mr Develin did ring and ask whether I could meet with him and accept the petition. I told him that I was not available, but if he wanted to bring a copy to the office I would be delighted to accept and forward it to the Federal Government. I will deliver this petition to the Federal Government because it is they who are responsible and it is they who should know. I seek leave to incorporate the two press releases, Mr Speaker.

Leave granted.

The press releases read as follows:

MEDA ALERT

At 11.30am today (Thursday) Labor's Planning Spokeperson, Simon Corbell, will receive a 4000 strong petition from representatives of the Canberra International Dragway calling on the ACT Government to honour its commitments and act to help reopen the dragway. Planning Minister Brendan Smyth has refused to accept the petition.

The petition will be presented at the Civic Square entrance to the Assembly at 11.30.

Simon Corbell and Dragway representative Geoff Devlin will be available for interview.

MEDIA RELEASE

Wednesday 21 April 1999

4,000 STRONG PETITION IN SUPPORT OF CANBERRA INTERNATIONAL DRAGWAY

Tomorrow, Thursday 22 April at 11.30 am Canberra International Dragway Manager, Geoff Develin, will present to the opposition spokesman for Planning and land Management, MLA Simon Corbell, a 4,000 strong petition in support of Canberra International Dragway.

Canberra International Dragway has been closed since December 1998, the result of the Commonwealth Government renegeing on a 10 year lease option included in the Dragway lease. The ACT Government, although being given certain powers and responsibilities within the lease option clause, has attempted to wash its hands of the matter.

The closure of the facility has seen a loss of approx \$1.5m in visitor revenue to the Territory as the Dragway was the only fully operational facility in NSW attracting significant events and spending to Canberra.

The Minister for Urban Services Mr Brendan Smyth declined the opportunity to publicly accept this petition.

The petition calls upon the Federal Government to honour its commitments regarding the Dragway lease. The Dragway has requested that the ACT Government either do everything in its power to allow the Dragway to effect its lease option or alternatively identify an alternative sight for the relocation of the facility. To this date the ACT Government has failed.

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The petition will be presented at the Civic Square entrance to the Legislative Assembly building at 11.30am. Both Mr Corbell and Mr Develin will be available for comment.

MR SMYTH: I think Mr Corbell has been sitting next to Mr Hargreaves for too long. Mr Hargreaves spoke on Tuesday about action on the bus stop at St Clare's and St Edmund's colleges. There is a recommendation in the report on the capital works program that I report to the Assembly before the end of April. Mr Hargreaves said that if I do report:

I will be the first to stand in this place and congratulate the Minister on it. As they say in Aussie rules parlance, Mr Speaker, "I'd like to see that", and I do not think I will.

Mr Speaker, as I have said since the beginning of the year in regard to the bus services to St Clare's and St Edmund's colleges, we will work with both schools to ensure that appropriate action is taken. It is curious because, at about the time that Mr Hargreaves put out a press release saying, "Minister told to deal with safety hazard", I was putting out a release that says, "ACTION's new network at work". I seek leave to have my press release incorporated in *Hansard* because it does outline what we are going to do at St Edmund's and St Clare's colleges. It says the improvements will include altered bus bay arrangements on McMillan Crescent, bus zones, an additional pedestrian crossing, designated pick-up and set-down areas for general traffic in McMillan Crescent and Wills Street, and another bus service for the busy Weston Creek services.

Leave granted.

The press release read as follows:

ACTION'S NEW NETWORK AT WORK

Initial figures on bus patronage at St Edmund's and St Clare's colleges this year show more school students are catching ACTION buses with the introduction of the new network, ACT Urban Services Minister Brendan Smyth has announced.

The Urban Services Department commissioned a report on ACT school bus services, by Roger Graham and Associates, to look at issues raised by the community, particularly in relation to St Edmund's and St Clare's colleges.

"The report finds that there is no basis to claims that the new network and increased fares would result in parents abandoning the ACTION services and drive their children to school.

"Figures show that average patronage to the two schools in 1999, compared to 1998, has not decreased. It has actually increased – by 4% on afternoon services (about 1,141 pupils) and marginally on morning services (about 930 pupils).

“It is heartening that the figures show the majority of parents and students have got behind the new service. We have always said that ACTION will rise and fall based on patronage and while we still have a way to go before we can crow about the new network’s success, these initial figures are encouraging.”

Other points made in the report include:

The new ACT school bus fares for both one-zone and two-zone, for catholic high school students were compared with Brisbane, Gold Coast, Melbourne and Sydney. It found that excluding the free travel concession for most NSW students, fares between areas varied. But the fares charged by ACTION to students of St Edmund’s and St Clare’s are by no means high compared to those charged to Catholic secondary school students in other cities. In fact the pre-purchased discount tickets available to students in Canberra would appear to be below the average price for pre-purchased tickets (for travel of a similar distance) in these other cities.

Despite an increase in journey times to and from St Edmund’s and St Clare’s, when compared to interstate routes of a similar distance to Catholic secondary schools in Sydney, Melbourne and the Gold Coast, the ACT journey times are well within the average journey times achieved for similar trips in the suburbs of other Australian cities.

In relation to safety, previous studies have shown children driven to school in the family car are 7 times more at risk of serious injury or death than those travelling by bus (including standing passengers), children walking to school are 31 times more at risk of serious injury or death than those travelling by bus, children cycling to school are 228 times more at risk of serious injury or death than students travelling by bus.

It has also shown that the maximum number of pupils being carried to and from school on any one bus is no greater in 1999 than 1998 and that, contrary to some public claims, school buses are operating in line with the authorised carrying capacities.

However ACTION acknowledges that the St Edmund’s and St Clare’s pick-up is one of the busiest school pick-ups in the country. As part of ACTION’s on-going efforts to make school services flow as smoothly as possible, the department has been working hard with the school principals and a number of changes are planned.

They are in line with recommendations from Roger Graham’s report and include altered bus bay arrangements on McMillan Cres, bus zones, an additional pedestrian crossing, a designated pick-up and set-down area for general traffic in McMillan Cres and Wills St and another bus for the busy Weston Creek services.

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MR SMYTH: It is very important that we do these jobs properly. Mr Hargreaves, in putting unreasonable timelines on demanding reports, should take into account that the work required is of a technical nature and a complicated nature and that it involves consultation with all the parties involved. Some time ago, Mr Thurston and Mr Gill from Road User Services arranged an appointment with the principals of both St Clare's and St Edmund's colleges. That appointment occurred yesterday. I understand from the meeting that the principals, at an initial look anyway, were pleased with what we have offered and will look at it in depth to make sure that it meets the needs of the schools. Further to that, we will have to go out to the broader community because it will involve some changes that will affect the community. Mr Speaker, yet again the Government takes these things seriously. We work on them and we gather the data. We do not go off half-cocked, as Mr Hargreaves does so often. I would have to say, Mr Speaker, that I am quite willing to supply the sauce when Mr Hargreaves eats his words. As they say in Aussie rules parlance, to quote Mr Hargreaves, "I'd like to see that".

Sydney Hailstorm

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (6.09), in reply: Mr Speaker, to close this long debate, I want to inform the Assembly of the significant contribution by Canberrans to the recovery effort in Sydney following last week's devastating storm. Unlike Mr Berry, I would like to talk about the efforts of all those from Canberra who went to Sydney to help, not merely those who are paid employees, worthy though their contribution has been. So far, some 56 volunteers from the ACT Emergency Service and 33 firefighters from the ACT Fire Brigade have assisted in recovery operations. It is estimated that over 20,000 homes or unit blocks have suffered storm damage from the hailstorm which struck Sydney. The ACT's commitment will substantially increase over the next few days. Recovery coordinators in Sydney are seeking to maximise the effort over the course of this weekend to mop up as much of the damage as possible. Another task force, consisting of 56 members of the ACT Emergency Service and Rural Fire Service, will leave early tomorrow morning and a further task force from the ACT Fire Brigade will tomorrow replace the team which left last night.

Mr Speaker, the ACT's commitment to this recovery operation will stand at over 150 people, although some will be counted twice in that number because some will be going back tomorrow after working there earlier this week. The commitment to this recovery operation exceeds the commitment made to Sydney during the 1994 and 1997 bushfires and it is the largest cross-border emergency operation undertaken since the Thredbo landslide in 1997.

The ACT task forces have been praised by the New South Wales State Emergency Service coordinators for their hard work, their commitment and their outstanding training. Indeed, members of the ACT task forces were asked to take on the leadership of teams from the New South Wales SES and Rural Fire Service during recovery operations. In particular, the work of the ACT Emergency Service has been undertaken in Mascot and Botany and the ACT Fire Brigade has undertaken some delicate, high-risk recovery operations on high-rise buildings or on steep ground in west Randwick, Kensington and Maroubra. As we have all probably seen on television in the last few

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days, the pictures of what has happened in Sydney are just devastating, with whole blocks of houses with roofs covered in tarpaulins and families distraught at the substantial damage to homes, cars and other property.

I want to put on record in this place the Government's deep appreciation of the efforts of those Canberrans - both volunteers and full-time staff - who have so quickly rushed to the aid of those in Sydney who need our help. Those people are magnificent ambassadors for our city and are making a substantial contribution to their fellow Australians in this time of need. It also shows again a willingness on the part of our emergency services to be good regional citizens - a fact of which I and, I am sure, all Canberrans are very proud.

Assembly adjourned at 6.12 pm until Tuesday, 4 May 1999, at 10.30 am

ANSWERS TO QUESTIONS

Aboriginal Community Liaison Officer (Question No. 108)

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice:

In relation to the AFP Aboriginal Liaison Officer (ALO) position -

- (1) How long has the position been in existence.
- (2) What is the role and function of the position.
- (3) What is the length of the tenure.
- (4) What are the requirements pertaining to the position in relation to liaison roles with Winnunga Nimmityjah Health Service.
- (5) What is the impact, if any, on indigenous arrest rates in the ACT since the establishment of the position.

Mr Humphries: The answers to Mr Stanhope's questions are as follows:

- (1) The position of Aboriginal Community Liaison Officer (ACLO) has been in existence since 25 February 1997.
- (2) The Aboriginal Community Liaison Officer's role is to establish effective communications between police and the local Aboriginal and Torres Strait Islander community.

develop a network of contacts within the police and Aboriginal and Torres Strait Islander communities to strengthen cooperation and communication;

establish and maintain close personal rapport with Aboriginal and Torres Strait Islander organisations and groups within the community;

build a good working relationship with School Liaison Officers;

provide timely advice on issues which may affect relations between Aboriginals and Torres Strait Islanders and police;

assist Indigenous community members in their dealings with policing issues;

assist police in explaining procedures to members of the Aboriginal and Torres Strait Islander community;

attend training of police to provide information and awareness on the culture, heritage, behaviour and tradition of the Aboriginal and Torres Strait Islander community;

assist in the development of strategies to enhance Aboriginal and Torres Strait Islander and police relations;

actively explain the functions and aims of the Police Service to the community (including - attend Indigenous groups, other community groups and schools to provide information and awareness on the operation, expectations and obligations of the Australian Federal Police);

accompany police with 'at risk' persons (for example - those considered likely to self-injure or suffering chronic medical or psychological condition) to assist the detainee, not to perform the escort in place of police;

provide advice to operational police on cultural aspects following domestic violence incidents involving indigenous people;

assist relatives concerning procedures for visiting Aboriginal and Torres Strait Islander prisoners; and

attend activities and events involving Aboriginal and Torres Strait Islander participants and spectators.

- (3) The current occupant is on a five year Fixed Term Appointment (FTA).
- (4) There is no specific requirement for liaison with Winnunga Nimmityjah Aboriginal Health Service, other than as set out in the role description, that is 'establish and maintain close personal rapport with Aboriginal and Torres Strait Islander organisations and groups within the community'.

Winnunga Nimmityjah is one of a number of aboriginal organisations which form an important part of the ACLO's network. Regular visits are made to it and other groups, as well as the ACLO being an available contact point for these organisations when dealing with the AFP.

- (5) In 1997 a temporary AFP staff member was appointed to the position of ACLO for a period of 12 months to research and evaluate the need for such a position. Following this period, it was determined (in consultation with the local Aboriginal Community) that the ACLO position would become permanent. This position has been occupied since 8 September 1998. While to date there has been no perceptible impact on indigenous arrest rates, it is anticipated following an initial settling in period, that the role of ACLO will meet its underlying aim of enhancing relationships and increasing awareness of Aboriginal issues.

**Departmental Outcomes
(Question No. 111)**

Mr Quinlan asked the Treasurer, upon notice:

In relation to the Financial Management Report for the Period ending 31 January 1999.

- (1) Noting the listings for departmental outcomes for the Year to Date on page 25, can you provide the Assembly (a) an operating statement, (b) a statement of financial position, and (c) a cash flow statement and notes to and forming part of the financial accounts for each of the following agencies.
 - (i) Canberra Hospital;
 - (ii) CanDeliver;
 - (iii) InTACT;
 - (iv) Office of Asset Management; and
 - (v) Totalcare.

- (2) Noting the operating statement of the Total Territory on page 19 that predicts an increase in the operating loss for the year and that accrual accounting dictates that certain expenses would not have accrued to date
 - (a) What major accruals are expected in the last 5 months of the financial year, given that the YTD result has seen a \$13m turnaround, but the end of year projection has been increased to \$151.7m.
 - (b) What other major events will cause the increase in the operating result.
 - (c) What is the abnormal item, or what are the abnormal items, expected to be that cause the projections of \$4.1 52m by the end of the financial year.

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

(1) As noted in agency Ownership Agreements and Statements of Intent, agencies are required to ensure the availability to the Treasurer of information in respect of the previous calendar month in the required form, including an operating statement, statement of financial position, cashflow statement, reconciliations, and explanations for material variations.

Financial statements for The Canberra Hospital, CanDeliver, InTACT, Office of Asset Management and Totalcare, are provided at Attachment A. Notes to and forming part of the financial accounts have not been provided as full financial statement notes are not required to be provided or prepared by agencies on a monthly basis. These are prepared on an annual basis for annual reporting purposes or as required by each agency for internal departmental reporting.

(2a) There are no major accruals expected to occur in the last 5 months of the financial year. It is recognised that an improvement has occurred to date. This is largely due to increased taxation and Commonwealth grants revenue above their budgeted position.

There may however be transactions that occur which impact negatively on the operating result in future months. These may include for instance the assessment of provision for doubtful debts, revaluation of assets and net market movements in investments. These are recognised as they become known.

Operating surpluses achieved during the first half of the financial year stemmed from the recognition of a full years worth of general rates revenue brought to account during July. As expenses in months after this were generally higher than revenue brought to account, the surplus achieved early in the financial year deteriorated. This trend is expected to occur over the next five months.

(2b) As part of the budget and monthly reporting process, estimated results for the 1998-99 financial year will be reviewed. At this stage projections remain largely consistent with original budget estimate. There are no “major events” expected in future months.

(2c) \$4.152m in abnormal expenses identified in the projection are represented by the following items incurred, or to be incurred by Totalcare.

Replacement IT systems and Y2K Programmes	500
Separations, Restructuring and Redeployees	3,152
Implosion Inquiry	500

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**Reported Excess Space in ACT Schools
(Question No. 112)**

Mr Berry asked the Minister for Education, upon notice, on 23 March 1999:

- (1) What was the methodology used to estimate excess space in schools.
- (2) What were the estimates of cost per student of excess space in the school system and what methodology was used in their preparation.
- (3) For each school
 - (a) what tenants (educational, community, other government agency, commercial or other use the school;
 - (b) how much space is used by each; and
 - (c) what is the annual rental income in place for each tenant.
- (4) What is the level of government subsidy applying to bus travel by students
 - (a) within zones; and
 - (b) across zones.

Mr Stefaniak: The answers to Mr Berry's questions are:

(1) The calculations of excess or surplus space in schools, is based on a process of comparing new school classroom provision, as set out in the brief for new schools, with existing spaces in schools. Where necessary, adjustments are made for older schools to recognise the need for audio-visual rooms, reading recovery and ESL rooms. In certain circumstances, recognition is also made for design limitations of existing schools.

Once these adjustments have been taken into account, the total existing capacity figure is calculated on the basis that colleges and high schools accommodate an average class size of 19 students per teaching space and primary schools 30 students per teaching space. The estimate of surplus space is then derived by subtracting enrolments from the capacity figure.

(2) The estimated cost of excess space in ACT schools has been derived by a whole of school approach for average sized schools. Costs for 1998 have been used.

The costs used comprise those which are site specific, in other words all enrolment based costs are excluded. These costs include such items as salaries for the principal, registrar and bursar and non salary operational costs such as utilities, cleaning, maintenance and irrigation costs.

The site cost per student for an average school are as follows:

	Average size school	Enrolment (average)	'Site cost' per student
Primary School	\$315,000	310	\$1,016
High School	\$601,000	640	\$939
Secondary College	\$661,000	790	\$837

(3) Schools which have other tenants and the level of rental returns where applicable are detailed in Attachment A.

(4) The level of government subsidy applying to bus travel by students amounts to approximately \$10m annually. This is not split between bus zones. However, roughly one third of students who use buses travel between zones.

ACT DEPARTMENT OF EDUCATION & COMMUNITY SERVICES
USE OF SURPLUS SPACE IN SCHOOLS

FACILITY	DEPARTMENTAL TENANT*	EXTERNAL TENANT	AREA OCCUPIED (m2)	ANNUAL RENT
Hawker Primary School	Hearing Impaired Executive			
Hughes Primary School	Autistic Unit	Australian Council of State School Organisations	142.50	\$10,225.80
Macquarie Primary School		ACT Council Of P&C Associations Inc.	75.25	Nil
		Australian Early Childhood Association Inc.	403.00	\$19,698.60
		Braille Transcribers	63.36	Nil
Maribymong Primary School	Child Health & Development Service			
Mawson Primary School	Indigenous Education Unit	Canberra Deaf Children's Association	40.00	\$2,870.40
	Peer Assessment			
Melrose High School	School Counselling Service			
	Youth Worker Service			
Mount Rogers Community School (Melba Campus)		St. Paul's Anglican Church	398.75	\$17,305.44
Red Hill Primary School		French-Australian Preschool Association Inc.	662.40	\$47,533.80
Rivett Primary School School	Centre for Infant Sensory Impairment	Noah's Ark Resources Centre	364.00	\$17,601.60
	Preschool Teachers' Resource Office			
Urambi Primary School	Behaviour Management Unit			
Weston Primary School School	Behaviour Management Unit	Carers Association of Australia	97.40	\$6,989.40
	Intergration Support Unit			
Yarralumla Primary School	Behaviour Management Unit	St John Ambulance Australia	19.80	\$1,420.80

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FACILITY	DEPARTMENTAL TENANT*	EXTERNAL TENANT	AREA OCCUPIED (m2)	ANNUAL RENT
Hawker Primary School	Hearing Impaired Executive			
Hughes Primary School	Autistic Unit	Australian Council of State School Organisations	142.50	\$10,225.80
Macquarie Primary School	Instrumental Music Program			
Majura Primary School		ACT Council of P&C Associations Inc.	75.25	Nil
		Australian Early Childhood Association Inc.	403.00	\$19,698.60
		Braille Transcribers	63.36	Nil
Maribyrnong Primary School	Child Health & Development Service			
Mawson Primary School	Indigenous Education Unit	Canberra Deaf Children's Association	40.00	\$2,870.40
	Peer Assessment			
Melrose High School	School Counselling Service			
	Youth Worker Service			
Mount Rogers Community School (Melba Campus)		St. Paul's Anglican Church	398.75	\$17,305.44
Red Hill Primary School		French-Australian Preschool Association Inc.	662.40	\$47,533.80

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FACILITY	DEPARTMENTAL TENANT*	EXTERNAL TENANT	AREA OCCUPIED (m2)	ANNUAL RENT
Rivett Primary School	Centre for Infant Sensory Impairment	Noah's Ark Resources Centre	364.00	\$17,601.60
	Preschool Teachers' Resource Office			
Urambi Primary School	Behaviour Management Unit			
Weston Primary School	Behaviour Management Unit	Carers Association of Australia	97.40	\$6,989.40
	Integration Support Unit			
Yarralumla Primary	Behaviour Management Unit	St John Ambulance Australia	19.80	\$1,420.80

Note: No rent is payable in respect of departmental tenants*.
Health clinics, which are not considered educational facilities, have been excluded.

**Prosecutions – Increased Costs
(Question No. 113)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 24 March 1999:

In relation to the increase in the cost of prosecutions reported in the ACT Department of Justice and Community Safety's quarterly reports for 1998-99.

Noting in the Department's first and second quarterly reports that the costs per prosecutor's business day have risen by 15% and 30%, respectively, above the yearly target figure and that the variation is due to the "appointment of external Counsel for continuity of representation in several matters", as stated in the latest quarterly report:

- 1) Do you expect the blow-out in these costs to continue?
- 2) Why wasn't the blow-out addressed following publication of the first quarterly report?
- 3) What measures are you taking to address the escalating costs?
- 4) Why was the length and subsequent difficulty of some of the cases before the Director of Public Prosecutions not factored into the Department's projected figures at the last budget?

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

- 1) The reported cost per prosecutor business day overstates the costs of prosecution because it includes the cost of external Counsel but excludes the 116 business days provided by Counsel, during the first and second quarters.

The cost per prosecutor business day for the half-year ending 31 December 1998 falls from \$1,051 to -

- (a) \$996.43 if recalculated by including the number of Counsel business days; and
- (b) \$973.21 if recalculated by excluding the costs of Counsel altogether.

These adjusted figures represent an increase of 15.2% and 12.5% respectively.

It is not expected that commitments to external Counsel will continue at the same rate in future, but the Office must manage in an environment which makes predictions of future costs difficult.

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- 2) Expenditure was monitored following the first quarterly report but the extent of the cost increase was still emerging and the commitments which continued the increase in costs into the second quarter had to be maintained.
- 3) The costs increases related primarily to several complex and lengthy cases which required engagement of external Counsel. Costs of that kind cannot always be anticipated but the need to engage external Counsel is expected to reduce once these current cases are completed
- 4) The escalating costs are due to extraordinary matters beyond the control of the Director of Public Prosecutions and the Government. Whilst Directors of Public Prosecutions in larger jurisdictions have a scale of operations which provides capacity to manage large and complex proceedings, the ACT does not have the same benefits of scale. This necessitates large and complex proceedings being managed outside normal operations.

**Periodic Detention Centre – Discovery of Drugs
(Question No. 115)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 24 March 1999:

In relation to the discovery of drugs at the Periodic Detention Centre on 17 October 1998 -

- (1) Have investigations of the incident concluded;
- (2) Have there been any charges laid since the discovery;
- (3) What steps have been taken to tighten security at the Centre to prevent a recurrence of such incidents; and
- (4) Have there been any other discoveries of illicit substances in other correctional institutions in the ACT in the last three years, if so please provide details.

Mr Humphries: The answer to Mr Stanhope's question to Attorney General is as follows:

- (1) Yes.
- (2) No. The AFP advised that there was insufficient evidence to proceed with a criminal prosecution.
- (3) Steps that have been taken to tighten security include the following:

Repairs to the PDC perimeter fence were completed.

Australian Customs Service will attend at the PDC (with dogs trained to detect drugs) when time and resources permit.

The contract for the provision of urinalysis services to the PDC will be reviewed at the end of this financial year to achieve more timely delivery of urinalysis results.

Procedures that have been in place since before the October 1998 incident include:

Detainees are routinely pat searched upon arrival at the PDC, and strip-searched if it is suspected that they may be in possession of an unauthorised item.

Prior to detainees arriving for periods of weekend detention, a thorough search is conducted throughout the Centre and surrounding property. This includes a search of all cells, common areas, yards/gardens and the perimeter fence.

Whenever a substance that is suspected to be illicit is discovered and can be reasonably linked to a particular individual, the AFP is contacted and conducts necessary investigations.

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(4) During the period 1 April 1996 to 31 March 1999 there were 138 drug-related incidents at the Belconnen Remand Centre (BRC) and 153 similar incidents at the PDC. 'Drug-related incidents' include discovery and/or possession of illicit substances, discovery/possession of illicit implements* and drugs found in detainee urine samples. Details are provided below. Over the same period, 1126 receptions occurred at the BRC, (42,078 custody days) and 5992 receptions occurred the PDC, (11,984 custody days).

Incidents at the Belconnen Remand Centre 1 April 1996 - 31 March 1999

Possession of illicit substance (detainee):	30
Possession of illicit substance (visitor):	1
0	
Discovery of illicit substance in the Centre:	9
Discovery/possession of illicit implement*:	25
Positive urinalysis result (illicit substance/s):	64

Incidents at the Periodic Detention Centre 1 April 1996 - 31 March 1999

Possession of illicit substance (detainee):	36
Discovery of illicit substance in the Centre:	13
Discovery/possession of illicit implement*:	38
Positive urinalysis result (illicit substance/s):	66

The term 'illicit implement' refers to paraphernalia which is instrumental in the use of illicit substances. Items discovered and recorded at the BRC and PDC as being illicit implements such as cigarette lighters and scissors have not been included in this count.

**Periodic Detention Centre – Alleged Improper Conduct
(Question No. 116)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 24 March 1999:

In relation to allegations of improper conduct at the Periodic Detention Centre -

On 28 October 1998, in response to a question from Mr Berry, the Minister advised the Assembly that the Auditor-General, on his referral under provisions of the Public Interest Disclosure Act, was investigating claims made by a former officer of ACT Corrective Services about improper conduct at the Centre and the response of senior officers of ACT Corrective Services to those claims.

- (1) Have you received advice from the Auditor-General
 - (a) If not, (i) why not and (ii) what action will the Minister take to follow up this delay.
 - (b) If so, (i) what is the advice, (ii) what action will flow from it, and (iii) why was it not released earlier.

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

- (1) I have not received advice from the Auditor-General;
 - (a) (i) As Mr Stanhope is aware, I do not have the power to direct the Auditor-General in the performance of his work. He is entirely independent of Government and questions about the performance of the functions of his office should be directed to him.
 - (ii) see answer to (a)(i) above.
 - (b) Not applicable.

**ACT Intravenous League
(Question No. 117)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 24 March 1999:

In relation to the report 'Survival' commissioned by Assisting Drug Dependents Incorporated (ADDInc), which examines the administration and activities of the ACT Intravenous League (ACTIV) which was at the time in receipt of ACT Government funding,

- (1) Why did the Department fail to respond to the problem of duplication of data found in ACTIV's Output Reports (pages 8-9 of the report).
- (2) Will the contract, now entered into, with Canberra Injector Network (CIN) address the following problems identified in the report
 - (a) the keeping of attendance records and leave arrangements (page 11);
 - (b) the inability to confirm the validity of client contact data (page 2);
 - (c) a number of issues identified by staff during consultations about irregularities with ACTIV's organisational management, including:
 - intimidation of staff;
 - inadequate attendance accountability;
 - approval of undocumented leave;
 - lack of processes for backfilling vacant positions;
 - lack of processes for appointing casual staff;
 - lack of processes for assessing and addressing the fitness of staff to attend work;
 - lack of staff supervision;
 - inappropriate workplace behaviour;
 - preferential service provision; and
 - lack of service provision.
- (3) What was done to address the alleged behaviour identified in the report that there was evidence that some staff were driving motor vehicles while unlicensed, or driving unregistered vehicles or that unlicensed drivers were driving "organisational motor vehicles during work hours".
- (4) Has there been a review of the location and viability of the drop-in facility as suggested in the report (see page 12), if so, can you table a copy of the review.
- (5) The report identified two projects which were not completed by ACTIV, the monetary value of which was approximately one third of the total value (\$74,197) of the seven projects, between 1994/95 and 1996/97 (see page 14)
 - (a) what was the Department's response to the non-completion of these projects;
 - (b)

- (c)
 - (d) was ACTIV funded subsequent to its failure to complete these projects;
 - and
 - (e) were any of the funds committed to the non-completed projects ever recovered.
- (6) Given the comments made in the report by the ADDInc financial administrator concerning the difficulties in auditing ACTIV's accounts (see page 23), under the CIN contract
- (a) what financial accountability mechanisms have been put in place; and
 - (b) have provisions been put in place for regular data collection and reporting.
- (7) Following concerns raised regarding the scope of a user group (see page 26), has the Department conducted an assessment which seeks to redefine the purpose of a user group to avoid the duplication of services in existing programs and agencies, if so, (i) who conducted the analysis and (ii) can you table a copy of the outcome of the assessment.
- (8) Did the Department conduct a review of the ACTIV clinics and outreach projects (see page 28), and if so, what was the outcome.
- (9) In light of the issues raised concerning the previous ACTIV coordinator's affiliation with the Australian Intravenous League (see page 29), have provisions been made to allow for this, or similar, representation under the CIN contract.
- (10) Can you table all documentation prepared or acquired by the Department in its assessment of, or in response to, the issues raised in the report.
- (11) Can you table a copy of the contract now entered into with CIN.

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Mr Moore: The response from the Department of Health and Community Care is as follows:

At the outset, I would like to clarify the ACT Government's position regarding the ACTIV League and the 'Survival' Report, 1997. ACTIV League was an unincorporated body, funded through a contract established between the Department of Health and Community Care and Assisting Drug Dependents Incorporated (ADDInc), as the auspicing body. The Department did not have a separate contractual relationship with ACTIV. The Government had, and still has, a commitment to effective peer based education and support programs for injecting drug users.

The Management Committee of ADDInc contracted a consultant to review the operations of ACTIV in 1997. The ACT Government neither endorsed the review of ACTIV League, nor the subsequent report at that time. The Government acknowledges however that the lack of coordination between ADDInc and ACTIV League adversely affected the delivery of services to the clients at that time. The Department's priority has been to ensure that services are delivered effectively, initially through negotiation with ADDInc, and more recently with CIN as the successful agency in the recent tender process.

The answers to Mr Stanhope's questions are as follows:

- (1) The Department did take note of the comment made by the consultant regarding ACTIV's reporting in 1995/96 and 1996/97. The Department of Health and Community Care changed reporting requirements for funded agencies at the beginning of the 1996/97 funding year, as the Purchaser/Provider model of funding was introduced. The Department did not make comparisons for any organisation as the reporting framework and indicators had mostly changed, from those used in 1995/96 financial year.

As ADDInc was the auspicing body, it was its responsibility to seek explanation of any anomalies that may have existed in the data. Given the data recording system in place at ADDInc, detection of duplicated data could have been detected at the agency level. The Department has further clarified the need for accurate and comparative reporting under the contract, and has received satisfactory reports from ADDInc.

- (2)
 - (a) The Department expects all funded agencies to have appropriate records of staff attendances at the workplace, and leave arrangements. Workers employed by CIN will be employed under the Social and Community Services Award, 1996, with working arrangements and leave prescribed by that Award. The management committee as employers are responsible for supervising the employees and monitoring their attendance at the workplace. The Department has included in the contract a requirement that relevant employment policy and procedures be finalised within three months. Departmental staff will be meeting regularly with organisational representatives to monitor and assist in the initial development of the services.
 - (b) As with all contracted agencies, CIN will be required to provide quarterly reports on outputs achieved in the reporting time. As noted above, Departmental workers will be meeting regularly with CIN staff and management to look at data and the data collection process.
 - (c) The information presented in the Survival report was not quantified in any way to allow a significant response to this question. The Department was informed in meetings, and through submissions by individuals that a number of stakeholders questioned the validity of the conclusions regarding staff employment practices at ACTIV.

As the report was commissioned by ADDInc's Board of Management, the Department considered that it should not take action on an internal report prior to action and endorsement by ADDInc. To the Department's knowledge ADDInc has not sought to make the report public, or to officially refer it to the Department for further action.

The Management Committee of CIN are aware of the problems experienced by ACTIV, and are now developing a new service. This new service is characterised by an open staff selection and supervision process, a Management Reference Group, and policies and procedures on the employment and management of staff in the organisation. These actions address a number of the issues raised in Mr Stanhope's question. As a planned aspect of the establishment process, the Department will commission a formal review of the service once it has been in operation for 12 months.

- (3) Due to the restructure of ACTIV, this issue was not pursued. It is the responsibility of the auspicing body to ensure that workers comply with agency procedures and laws that are relevant to their work, such as Occupational Health and Safety or driving while licensed.
- (4) ADDInc and the ACTIV program were re-organised before any final decision was made to formally review the location of the peer program. When the program was brought under the core ADDInc programs, the program was relocated from Ainslie into the City Centre. At the time, ADDInc chose not to pursue these issues any further. In the Tender 16 (1999) specifications the Department stated clearly that the new service is to be located in the Civic area. CIN is still seeking appropriate accommodation, but it is understood that they will acquire premises which are easily accessible by foot from the Civic shopping area.
- (5) The two allegedly incomplete projects were a steroids project (\$10,000) and a women's drug information booklet (\$ 17,413). On page 14 of the 'Survival' report, it is reported that the Steroid's project was completed by ADDInc.

Regarding the Women's Information Booklet: limited information is available to the Departmental staff at this time to enable an informed response to this question. This information was gathered from files from 1996/97 financial years onwards, departmental staff involved in the alcohol and drug program in 1995-1998, and a previous employee of ACTIV.

(a) Information provided in a submission in 1997 to the Department from a previous worker of ACTIV indicates that the work on this project was completed by the workers at ACTIV. Departmental staff have indicated that the Department met with the Service Director to refocus this project twice due to a similar project being implemented within the Department. Substantially complete drafts were sighted by the Department. However, as the information replicated other sources of advice available, the project was subsequently cancelled and the booklet was not produced.

(b) The project funding was separate from ACTIV's ongoing grant for service provision.

(c) The project funds, which were specifically for the development of information, were expended for the purposes of the project. Publication would have required a further investment by the Department. Given development of other information it was decided by the Service Director and the Department that the project would not be developed further.

I would point out that these arrangements were made under the previous grants system which did not specify stages and deliverables as currently occurs under the purchaser/provider model introduced by the Carnell Government. While there has been some criticism of this model, it does permit greater accountability and a focus on the production of outputs rather than process.

- (6)
- (a) CIN will collate and submit quarterly financial reports, as required under the contract, to the Department. CIN will also submit an annual acquittal of their accounts to the Department, as required by the purchase agreement and the Association Incorporation's Act. It is the responsibility of the organisation's Treasurer to maintain financial records for the agency. As the organisation is not yet fully functional, specific information about who will be doing the finances day to day has not been determined.
 - (b) CIN will collate and submit quarterly activity reports on the performance indicators agreed to in its contract with the Department. As with all funded organisations, Departmental officers will meet with CIN staff and management to see how the service is functioning and how the data is collected.
- (7) Following the incorporation of ACTIV's programs into ADDInc, the ACT Department of Health and Community Care reviewed the role of a peer based education and support service in the ACT. This examination involved researching the current models used in other states and the policy direction of the ACT Government.

The policy direction and requirements of the Department are reflected in the preamble and selection criteria presented in the tender documentation for the recent tender process. Although the service may appear to provide similar services to those of other ACT agencies, the primary difference is in who provides the services.

The Tender Specifications include the following guidelines:

'A peer based service is one in which intravenous drug users have control over the direction of the service and at all levels of the organisation - not one managed by health professionals or alcohol and drug workers which simply employs IDU's.'

'Mindful of the responsibilities of a legally incorporated body, and the need to provide high quality services from a safe and healthy work environment, the organisation must be seen neither to encourage nor condemn the use of any psycho-active substances and must prohibit any drug related activities on the part of its employees, volunteers and service users which expose the organisation to legal liability or which compromises the public image or effectiveness of the organisation.'

'The concept of peer based services is intrinsic to the policy of harm reduction with the central theme being that the effectiveness of policies of the government and medico-scientific community can be enhanced by the close and direct involvement of the at-risk groups.'

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Employees of the peer service are also expected to have other skills and qualifications that enable them to provide a range of services including personal support, education and advocacy.

The review of services was conducted internally by the Department of Health and Community Care. The Department completed a policy document in 1998 which provided a framework for services provided by the peer service. This document is titled the "ACT Sexual Health and Blood Borne Diseases Strategic Plan 1998-2000". A copy of this report has been forwarded to the member's office.

- (8) The Department did not commission the 'Survival' report, and was not required to respond to the report formally nor commission any formal reviews. However, following receipt of the report, the Department met with ADDInc representatives to discuss the implications.

ADDInc suggested that a further consultation take place to answer some of the questions raised in the report. ADDInc indicated that it would manage this next phase, but would seek involvement of the Government in the design of the consultation. As the ACTIV program had been fully incorporated into the ADDInc structure by that time, the Department indicated that the priority was not to review ACTIV further but to improve the level of service provision to consumers. The Department saw the role of any further consultants as more of a change manager rather than a reviewer.

ADDInc board reviewed the Department's position and the needs of the agency. A decision was made not to proceed with the consultancy due to organisational priorities. The Department's commitment at the time was to ensure that a satisfactory education and support service was provided to injecting drug users, by peer workers. The Department continued to work with ADDInc in bringing an acceptable interim peer program, which was subsequently named the ADDInc Network, directly under the management of the ADDInc Service Director. This arrangement was made pending a decision on whether the service would be tendered out. As arrangements for the 'ADDInc Network' operated satisfactorily under the direction of ADDInc, no further investigations or reviews were considered necessary.

- (9) CIN is a new organisation that has not, as yet, employed staff to conduct the programs, as such no formal affiliations have been formed that would require dedication of worker time to other organisations. The Department's expectation is that CIN will provide the services required under the contract. Linkages with other services in the non-government sector will develop purposefully through networking, and should enhance service provision. It is the responsibility of the management committee to monitor each worker's commitments and make decisions about the individual worker's involvement on committees and steering groups, taking into account the needs of the organisation.
- (10) I believe that this answer fully describes the Department's response to a report which was not commissioned by, or the responsibility of, the Department.

- (11) The contract has been delayed pending an Auditor General's inquiry. I am happy to table this contract when it is signed. A copy of the unsigned contract has been forwarded to the member's office.

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**Australian Health Ministers Advisory Council Meetings
(Question No. 118)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 24 March 1999:

In relation to the Blood Transfusion Service and Hepatitis C:

The minutes of the Australian Health Minister's Advisory Council meeting on 25 October 1995, held in Canberra record:

“E18 Hepatitis C

AHMAC also endorsed a recommendation from the AHMAC Hepatitis C implementation working group that Hepatitis C testing be performed only in the laboratory setting at this time and noted the progress and issues arising from the Blood Transfusion Services lookback policies concerning Hepatitis C.”

The minutes of the AHMAC meeting on 14 November 1997 report:

“Item C7

AHMAC agreed to adopt a national risk management approach to deal with existing and emerging disease threats to the blood supply and agreed to ask the B&BPC to provide:

a report on existing and emerging threats to the blood supply, the risks involved, international experience in managing these threats and the implications for the safety and sufficiency of Australia's blood supply; and

A proposed risk management framework to guide future decision-making and action in the face of actual or perceived threats to the blood system.”

Was the ACT represented at either of these meetings, if so, by whom.

Were the minutes of these meetings received by the ACT and if so, to whom were they referred or made available.

Are the outcomes of meetings of the AHMAC routinely advised to ACT Health Ministers.

Were the minutes referred to above provided to the then ACT Minister for Health, if no why not.

What was the “progress and issues arising from the Blood Transfusions Services Lookback policies concerning Hepatitis C” referred to in the minutes of 25 October 1995.

Were the progress and issues of the lookback policies provided to the Advisory Committees as part of a written report.

If there is a written report of the issues and progress will the Minister provide me with a copy.

If there was a written report of the issues and progress was it made available to the then ACT Minister for Health, if not, why not.

Can you provide a copy of all reports developed as a result of the resolution of item C7 of the AHMAC meeting of 14 November 1997.

Were all such reports arising from item C7 provided to the then ACT Minister for Health, if not, why not.

What action did the ACT Department of Health or the Canberra Hospital take following the above two mentioned meetings of the AHMAC in relation to the Hepatitis C lookback program.

Mr Moore: The answers to Mr Stanhope's questions are as follows:

(1) Was the ACT represented at either of these meetings, if so, by whom.

At the meeting of 25 October 1995, which was held in the ACT, the ACT was represented by officers of the Department of Health and Community Care. Those attending were the then Chief Executive, Mr Greg Fraser, the then Chief Health Officer, Dr Doris Zonta and members of the Executive - Ms Jocelyn Plovits and Dr Penny Gregory.

The actual meeting in 1997 was held on 23 October and it was the minutes, which were circulated on 14 November 1997. At the October meeting, the ACT was represented by the Chief Executive, Mr David Butt and Dr Penny Gregory.

(2) Were the minutes of these meetings received by the ACT and if so, to whom were they referred or made available.

(2) There is a regular distribution list for the Australian Health Ministers Advisory Council (AHMAC) minutes which include officers within the ACT health portfolio. There is also a process whereby relevant action officers are referred specific items for consideration and action.

(3) Are the outcomes of meetings of the AHMAC routinely advised to ACT Health Ministers.

(3) No. While AHMAC is an advisory body to the Australian Health Ministers Conference(AHMC), many of its functions relate to coordination of activity across jurisdictions. Many AHMAC agenda items are operational, or relevant to a point in time, and are not considered when Health Ministers meet. Therefore Health Ministers are not routinely advised of all outcomes of meetings of AHMAC. If there are specific issues for the ACT, I am advised either in writing or verbally.

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(4) **Were the minutes referred to above provided to the then ACT Minister for Health, if no why not.**

(4) No. Ministers are not usually provided with Minutes of all meetings attended by officials, but rather are given briefings on specific issues where considered necessary.

In relation to Hepatitis C, the reference in 1995 was to the work being undertaken by the Red Cross Blood Transfusion Service, as it was understood that the Australian Red Cross was undertaking all action in regard to these matters. It was considered at the time that these matters were being dealt with competently between Commonwealth and State officials and not requiring ministerial intervention.

The AHMAC agenda item in 1997 was about indemnity arrangements for the Red Cross, including arrangements for nationally uniform statutory defence, risk management, and funding and management issues. The spread of Hepatitis C through the blood supply was not regarded by 1997 as a major existing or emerging threat.

(5) What was the “progress and issues arising from the Blood Transfusions Services Lookback policies concerning Hepatitis C” referred to in the minutes of 25 October 1995.

(5) The progress and issues arising from the Blood Transfusions Services Lookback policies concerning Hepatitis C referred to in the minutes of 25 October 1995 were that several writs had been served to the Red Cross concerning Hepatitis C Virus contaminated blood issues. It noted that the national Hepatitis C lookback was proceeding smoothly although the need for more funding from the Commonwealth was identified as an issue. At this time the national Hepatitis C lookback was a program whereby all Red Cross transfusion services undertook to identify potentially contaminated units of blood and blood products.

An AHMAC sub-committee on blood and blood products was established to develop policy and consider funding arrangements for Australia's blood banking system. It was recommended that this sub-committee consider the issue of blood shield legislation to provide a more consistent approach throughout the country. This process was established to look forward on arrangements which should be put in place, not to look back.

Also the Australian Red Cross Society established a Working Party to address the issues surrounding the establishment of a National Blood Transfusion Service Board.

(6) **Were the progress and issues of the lookback policies provided to the Advisory Committees as part of a written report.**

(6) A written report, originating from the Commonwealth, was provided to AHMAC on the Implementation of the National Hepatitis C Action Plan. This report contained information on the progress and issues arising from the Blood Transfusion Services Lookback policies. The National Hepatitis C Action Plan was broad in its initiative and

was intended to address the larger problem of hepatitis C within the community. The Action Plan did however indicate that the Red Cross should continue its Lookback on possibly infected units of blood.

- (7) **If there is a written report of the issues and progress will the Minister provide me with a copy.**
- (7) A copy of the Commonwealth briefing paper, as mentioned in response to Question 5, is available. This briefing paper indicates that Red Cross was undertaking a review of all infected blood products.
- (8) If there was a written report of the issues and progress was it made available to the then ACT Minister for Health, if not, why not.
- (8) Like all other briefing papers that go to AHMAC, the Commonwealth briefing paper on the National Hepatitis C Action Plan was dealt with at the AHMAC level. If there is a decision for an item dealt with at AHMAC to go on to the Australian Health Ministers' Conference (which is usually held many months later) a new paper would have been prepared for AHMC. However this item was not raised at the following AHMC meeting in July 1996.
- (9) **Can you provide a copy of all reports developed as a result of the resolution of item C7 of the AHMAC meeting of 14 November 1997.**
- (9) Item C7 at the October 1997 meeting of AHMAC was not about the Hepatitis C Lookback program, but rather about future funding and management arrangements in relation to the ARCBS. A report on progress made on the issues identified was discussed at AHMAC in March 1998, and an agenda item on funding and management arrangements was considered by Health Ministers in July 1998. An interim report of the working group set up to examine funding and management arrangements was considered at AHMAC in October 1998, and a set of principles to guide the development of a final report was endorsed by AHMAC. Progress on the development of the final report is to be discussed at AHMAC in April, and a report is then to be provided for Ministerial consideration at AHMC in July. While I have no problem in showing Mr Stanhope these reports on a confidential basis, release of these reports would need to be supported by the members of both AHMAC and AHMC.
- (10) **Were all such reports arising from item C7 provided to the then ACT Minister for Health, if not, why not.**
- (10) Arising from the October 1997 and March 1998 decisions, an agenda item titled, "Red Cross Blood Service - - Review of Management and Funding Arrangements" was considered by the Australian Health Ministers Conference on 30 July 1998. The agenda item asked Ministers to note the reviews underway by AHMAC into the blood and blood products sector, including: new funding and management arrangements between Government and the ARCBS; the need for national blood shield legislation; the appropriateness of national indemnity insurance arrangements; and options for a national regulatory body to ensure blood safety, quality, and uniform best practice standards. A timetable for the preparation of the final report was discussed, and I am

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advised that a report from AHMAC will be coming to the next meeting of Health Ministers in July this year.

It should be noted that I was Minister for Health and Community Care at the July 1998 meeting. The issue of Hepatitis C lookback was not discussed at that meeting, although of course as I have advised I was briefed about the lookback issue by my Department shortly after my appointment and had ensured that action was being taken as a matter of priority.

(11) What action did the ACT Department of Health or The Canberra Hospital take following the above two mentioned meetings of the AHMAC in relation to the Hepatitis C lookback program.

(11) In relation to the 1995 meeting, the ARCBS had undertaken to perform a lookback on all donated units of blood in regard to potential Hepatitis C. Since the Chief Health Officer, Dr Zonta understood that action was being taken by ARCBS directly with the hospitals, then no further action was required by the Department at that time. However in September 1997, the Department became aware that while potentially infected units had been identified further action needed to be taken, and began to coordinate action with the ARCBS and the hospitals. The Department immediately undertook a series of activities to develop effective lookback options. The Department has systematically been coordinating implementation of the lookback program since that time, including a pilot survey of people with Hepatitis C who identified blood transfusion as a risk factor, appointment of a coordinator to identify availability of records within hospitals and the potential for linkages with ARCBS data, establishment of an interdepartmental coordinating committee, development and implementation of a lookback implementation plan, and investigation of possible compensation arrangements.

In relation to Item C7 of the AHMAC meeting of 23 October 1997, this was not linked with the Hepatitis C lookback program. However the ACT has been participating in the development of possible indemnity arrangements for blood and blood products, and in the overall approach to the funding and management of the ARCBS .

**Canberra Hospital Waiting List Audit
(Question No. 119)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 25 March 1999:

In relation to the Canberra Hospital Waiting List Audit:

- (1) When was the last audit conducted?
- (2) On what basis was the January 1999 audit conducted and who conducted the audit?
- (3) Are there any future plans to reduce the waiting list by removing patients either by (a) future audits or (b) alternative measures?
- (4) Is it the case that 325 patients were removed from the waiting lists, if so how many were removed because of:
 - (a) death;
 - (b) the procedure was carried out elsewhere;
 - (c) moved interstate; and
 - (d) decided against the procedure or otherwise gave up.

Mr Moore: The answers to Mr Stanhope's questions are as follows:

- (1) The last audit was conducted over the months of October to December 1998. Patients on the list were contacted to ascertain their current status on the list. Patients who did not respond to initial inquiries were followed up in early 1999.
- (2) The audit was conducted by the Bed Management Unit at The Canberra Hospital. At the time the audit was undertaken the Surgical Bookings area was incorporated in the Bed Management Unit. This was a routine audit.
- (3) Regular auditing of the waiting list is needed for administrative purposes (to reduce any inefficiencies in handling the list) and sometimes administrative changes such as this can cause fluctuations in the reported numbers. It is recognised that the audit itself does not change the actual number of people in the community awaiting surgery, it only allows the list to better reflect this number. Hospitals around Australia handle auditing differently according to their own needs and patient demographics.

TCH will be undertaking full audits every six months and there is a quarterly review of the patients on the list by their surgeon. In the quarterly reviews, the surgeon is sent a copy of their waiting list as the hospital understands it to be and the surgeon is requested to make the appropriate changes. These changes can include removals from the list if the surgeon knows that the patient has received surgery elsewhere.

TCH has recently signed a Purchase Contract variation with the Department of Health and Community Care in which the Department purchased an additional 650 cost weighted elective surgical separations in the areas of orthopaedics, vascular surgery and neurosurgery. It is not possible at this time to specify how many individuals on the waiting list this equates to as the cost weighting for each separation depends on the type of procedure to be undertaken. This additional throughput will be targeted at long wait patients. It is hoped that this will have a downwards influence on the waiting list.

Other initiatives at TCH such as Day of Surgery Admission (DOSA) and the recent recruitment of a staff specialist in Urology should also impact on the waiting list.

Other administrative changes do and have occurred which also have artificially affected the reported numbers on the list. TCH's policy is to comply with the AIHW's National Health Data Dictionary in relation to the classification and reporting of waiting lists and waiting times. There is also a clause in the Purchase Agreement with the Department of Health and Community Care in relation to compliance with the AIHW definitions.

- (4) The level of detail requested in this question was not collected as part of this audit, although some of the individuals did volunteer some information. Reasons given included that the surgery had been done elsewhere (including interstate) or that it was no longer required. Only one individual was removed where the death of the individual was the cause. It is not possible to make the assumption that the death was due to the condition that the individual was on the waiting list for.

**Land - Lease of Block at Fisher
(Question No. 122)**

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to the lease granted under section 161(1)(d) of the Land (Planning and Environment) Act 1991 to Tokich Homes Pty Ltd for Fisher Section 16 Block 8 as listed in the schedule of leases granted for the period 1 October 1998 to 31 December 1998 -

1. What is the purpose for which the land will be used, including details of any development application lodged.
2. Why was the grant made to this particular lessee.
3. Were any other organisations given the opportunity of bidding for this block
4. What public consultation was undertaken in relation to the proposed development of this block
5. How was the sale price determined

Mr Smyth: The answers to the member's questions are as follows:

1. The purpose for which the land is to be used is for residential purposes only provided that the building on the land shall contain not more than fourteen single unit private dwellings in total. A Development Application has not yet been lodged.
2. The land was sold by direct grant because Tokich Homes Pty Ltd trading as Eco-land met the criteria for the direct grant of land in accordance with Disallowable Instrument No.200 of 1997.

As required under the disallowable instrument the applicant (Eco-land) was required, amongst other matters, to demonstrate that its proposal would either benefit the economy of the Territory and generate employment or contribute to the environmental, social or cultural features of the Territory.

The final agreement provides for the proponent to undertake a range of public works associated with the revitalisation of the Fisher local centre.

3. As the land was sold by direct grant, no other organisation at this time was given the opportunity of bidding for the land.
4. Representatives of Eco-land, Planning and Land Management and the former Department of Business, Arts, Sport and Tourism, met with the local community to explain and discuss the proposal. Two public meetings were held with the Fisher shop owners and tenants and the Fisher community. The Weston Creek Community Council was invited but unable to attend either meeting. Overall there was local community support for the project.

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5. In accordance with normal practice the Australian Valuation Office provided advice on the current market value of the land. Their advice was accepted in setting the final sale price.

**ACTION Bus Services
(Question No. 123)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

Noting the figures in the Urban Services Output Progress Report for December 1998 specifically, Output 2.1 - Transport Services and Regulation, which shows that public boarding for 1998/99 was 11.1 million with achievement from December 1998 to year to date being 8.4 million and a further 5.55 million projected for the rest of the year -

- (1) Do you believe that there will be a 555,000 reduction in boardings in the first year given your statement in an answer to a question without notice to me on 17 February 1999, in which you state 'if you are interested in terms of 20% increased services' (Hansard, 17 February 1999), and if so, what is the revenue shortfall from this reduction.

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

- (1) No. There will be more people using ACTION services following the introduction of the new network. However estimates of passenger boardings are affected by the implementation of the new network and the associated increase of through routing of services.

The 1998-99 target for public bus transport boardings (Output 2.1), as outlined in the Urban Services Output Progress Report for December 1998, was 11.1 million. The pro rata target for the period July to December 1998 was 5.55 million.

These targets were based on 'journeys', not 'boardings'. They were also based on the assumption that the new network would be implemented early in 1998-99. The number of journeys will be lower than a count of passenger boardings since a journey could involve multiple boardings. The new network provides for through routing of services. The through routing of services has the effect of reducing the number of passenger boardings because passengers on these services remain on the bus for the entire journey and are not forced to re-board at the interchange.

The new network was not introduced until 18 January 1999. This means that the count based on the number of passenger boardings would be higher than the original target, as indicated by the results of 8.4 million boardings as at 31 December 1998.

As foreshadowed in the Output Progress Report for December 1998, the full year target has been reviewed after the implementation of the new network. The full year target has been revised up to 15.8 million, based on a continuation of the counting measure being boardings and taking into account the effects of the new network on boardings, including through routed services.

**Australian Federal Police
(Question No. 124)**

Mr Hargreaves asked the Minister for Justice and Community Safety, upon notice, on 25 March 1999:

- (1) Is there any provision in the Grants Commission funding to recognise the disadvantages the ACT have experienced in having little or no policy control over the AFP, if so:
 - (a) how much in monetary terms is that disadvantage; and
 - (b) how do you intend to find that money should the ACT develop its own police force.

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

(1) Yes, there is such a provision. In the Commonwealth Grants Commission's 1999 Review of General Revenue Grant Relativities it was recommended that the ACT receive \$9.3m in transitional allowance for the provision of police services. In assessing this allowance the Commission stated:

“Transitional allowances have been continued for Police because the ACT has little effective control over the provision of police services...Stage Two of the Commonwealth - ACT review of policing is likely to be completed in mid 1999. It is expected to lead to the development of a revised arrangement which will include accountability mechanisms and greater capacity for the ACT to provide policy direction. We have therefore decided to continue to assess a transitional allowance, pending the outcome of the review.”

Importantly, the Commission is suggesting that it should not be assumed that the transitional allowance for policing will continue indefinitely. The history of transitional allowances since self-government is that they have steadily reduced and, in some cases, been eliminated, even though the ‘transition’ has continued.

The transitional allowance is calculated by comparing the average salary levels for the AFP with the average salary levels for State police services. The Commission has assessed that the higher average salaries for the AFP mean that the ACT would need to spend \$9.3m more than if it chose to provide a national average level of policing services.

The Commission's findings do not compel the ACT to spend this allowance on policing. The Commission's assessments are based on the principle that all States and Territories should be given the capacity to provide an average level of service, regardless of the actual level of services they choose to provide. Therefore, the ACT is at liberty to direct its expenditure priorities as it wishes. This is a fundamental precept underlying fiscal equalisation.

- a) The Commission has assessed the relative disadvantage at \$9.3m for 1999-2000. The assessment was based on the difference between average AFP salaries and national average salaries. The Commission is yet to release full details of its calculations. The assessment may be different in future years.
- b) The Government has not made any commitment to establish its own police force. The question of the effect of fiscal equalisation is just one of many issues which the Government will consider in connection with the options for the future of policing in the ACT, in connection with the review of the policing arrangement.

22 April 1999

**Northbourne Flats – Future
(Question No. 125)**

Mr Wood asked the Minister for Urban Services, upon notice:

In relation to the residents of Northbourne Flats -

- (1) Has there been any consultation with the residents concerning their future, if so on what dates were they held.
- (2) Has there been any written advice supplied to the residents, and if so what was the advice.

Mr Smyth: The answer to the member's questions is as follows:

- (1) Following notification of Draft Variation to the Territory Plan No. 96, and the release of the Northbourne Avenue Planning Study by Planning and Land Management (PALM), ACT Housing and PALM representatives attended a meeting with residents at the complex on 13 November 1998. The meeting had been organised by a resident and the majority of the discussion was about the Study. The residents were advised that ACT Housing did not have plans for the future of Northbourne Flats.
- (2) ACT Housing has not written to the residents of Northbourne Flats generally because there are no plans for the future of the complex.

**Monaro Highway
(Question No. 126)**

Mr Wood asked the Minister for Urban Services, upon notice:

In relation to the Monaro Highway, near Hume --

- (1) Why has repair work of the highway been dropped from the Public Works program.
- (2) When will it be put back on the system.

Mr Smyth: The answer to Mr Wood's question is as follows:

- (1) Repair work on the Monaro Highway has not been dropped from the Capital Works Program. My Department has this year, for the first time included work on the Monaro Highway in the Hume area in their Draft Forward Capital Works Program. The work is proposed for 2001/2002. The only other work scheduled for the Monaro Highway is north of Williamsdale which is programmed to commence in September 1999 and which is referred to in the Draft 1999-2000 Capital Works Program.
- (2) See (1) above.

**Legal Services – Tendering
(Question No. 129)**

Mr Stanhope asked the Minister for Justice and Community Safety, upon notice, on 20 April 1999:

“In relation to the potential competitive tendering of legal services.

Noting in the ACT Chief Solicitor's executive contract, tabled in the Assembly, a key performance measure is to “develop and implement strategy for introduction of competitive tendering of legal services”.

- 1) How soon is this activity likely to commence?
- 2) Who are the likely alternative service providers?
- 3) What are the anticipated savings per annum?
- 4) Which areas of the Department are to be subject to competitive tendering?
- 5) Will any outside consultants be engaged to assist with the development of the strategy?
- 6) Will the outsourcing impact on existing jobs and if so, to what extent?

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

- 1) A proposal for the introduction of contestability in the provision of the legal services provided by the Government Solicitor's Office (GSO) is currently being developed for consideration by the Government. A commencement date has not been nominated and will be determined if the Government decides to proceed with the proposal.
- 2) Qualified legal practitioners in the private sector.
- 3) The introduction of a contestability regime would have as its primary objective the provision to Government of legal services at the lowest possible cost. This objective would be achieved through the creation of a competitive environment for the provision of these services.
- 4) No decisions have been made in respect to competitive tendering although a contestability assessment will be made of some Corrective Services activities.
- 5) At this stage it is not intended to use outside consultants.

- 6) If contestability is introduced, the GSO would continue to provide legal services to Government but in a manner which would be more commercially focussed. The impact of contestability on GSO positions would not be assessable for some time after its introduction and would depend on the volume of work referred to the Office. The Office would have natural advantages in some areas of legal expertise and it should not be assumed its staff numbers would reduce. Of course, as Mr Stanhope knows, the process of the private sector undertaking some legal work for Government agencies has been initiated in other states and at the Commonwealth level.

22 April 1999

**Canberra Hospital – Review of Critical Care Beds
(Question No. 133)**

Mr Stanhope asked the Minister for Health and Community Care, upon notice, on 25 March 1999:

In relation to the external review of The Canberra Hospital (TCH) critical care beds incorporating the Intensive Care Unit which, in answer to a question without notice on 28 October 1998, it was envisaged to be completed by December 1998, has the review been completed and if so, can a copy of the review be provided.

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

The external review of critical care beds was conducted on 1 and 2 December 1998 by nationally recognised expert intensivists from John Hunter Hospital and St George Hospital. The objectives of the ICU Review were to:

Advise on the number, distribution and location of critical care beds for TCH and the surrounding region, and determine the distribution and location of specific critical care beds, ie CCU, ICU and HDU.

Undertake a review of the resourcing levels and functions of the medical staff including Intensivists, Registrars and Junior Medical Officers.

Assess the work practices of the ICU including quality outcomes taking into account the preceding care at patient admission, continuity of care within ICU and continuity of care between referring specialists, admission and discharge practices.

Unfortunately while the Review highlighted areas where improvements could and should be made, the report has not been accepted by either the Reference Group overseeing the project nor by Mr Rayment, Chief Executive of TCH due to procedural anomalies. Acceptance of the Report now would lead to industrial action due to the terms of reference not being strictly followed. As the Report has not been accepted it is not appropriate to provide this Assembly with a copy.

Change in the management structure of the ICU is expected with the pending retirement of the current Director. The new Director of ICU, when appointed, can choose to further work with the ideas outlined in the Report or they may decide to mould the services in the ways they consider most appropriate in consultation with both the executive of the hospital and with the leaders of the Surgical SMT.

**Business Incentive Scheme
(Question No. 134)**

Mr Stanhope asked the Chief Minister, upon notice, on 20 April 1999:

In relation to the ACT Business Incentive Scheme (ACTBIS).

1. How many firms have received approval for assistance under the Scheme in the past six months?
2. What are the names of successful applicants, and if the applicants are companies, the names of the principals of these companies?
3. What is the real value of the:
 - (a) direct financial assistance;
 - (b) discounts on land; and
 - (c) income foregone in relation to land rent, payroll and other tax waivers of these applications.
4. How many jobs are likely to be created by each applicant?
5. If a successful applicant has moved to Canberra as a result of the scheme, where were they located prior to receiving support under the scheme?
6. Where direct financial assistance has been approved under the scheme over the past 12 months, have all successful applicants met their performance criteria and, if not, have they been required to repay their financial assistance.
7. Noting that on October 19 1998, in an answer to a question during proceedings of the Estimates Committee 1998-1999 regarding successful ACTBIS applicants, it was anticipated that around 1880 new jobs would be created by these applicants, has this target been met, and if not what is the adjusted figure?

Ms Carnell: The answers to the member's questions are as follows:

1. Since 1 October 1998 five new ACTBIS applications have received ACT Government approval.
- 2.

Company	Principal
Aspect Computing (Canberra) Pty Ltd	P. Draney, Director
Intec Australia Pty Ltd	Andrew Goodlace, Managing Director
Integrated Forest Products Pty Ltd	Tony Esplin, Executive Director
Sverdrup Technology Australia Pty Ltd	Glenn Wadham, General Manager
Tower Software Pty Ltd	Berend (Brand) J P Hoff, Managing Director

3. (a) None of the new approved assistance packages include financial grants.
 (b) None of the new approved assistance packages include discounts on land.
 (c) Four of the five assistance packages offer payroll tax waivers:

Company	Payroll Tax Waiver
Aspect Computing (Canberra) Pty Ltd	Maximum \$500,000 or three years.
Intec Australia Pty Ltd	Maximum \$300,000 or three years.
Sverdrup Technology Aust Pty Ltd	Maximum \$500,000 or three years.
Tower Software Pty Ltd	Maximum \$120,000 or three years

The ACT Government has approved assistance to Integrated Forest Products Pty Ltd in the form of a deferred payment, to the end of December 1999, of 50% of stamp duty owed to the Territory for the purchase of the Hume Sawmill. The remaining 50% of the stamp duty will be waived conditional upon the company reaching an employment target over 1999. Total stamp duty assessed on the sale is \$139,515.

4. Applicants have the following job growth targets:

Company	Employment Growth Target
Aspect Computing (Canberra) Pty Ltd	105 Full time by 31 December 2000
Intec Australia Pty Ltd	30 Full time in ACT by 30 June 1999
Integrated Forest Products Pty Ltd	Agreement not finalised (approx 5-10)
Sverdrup Technology Aust Pty Ltd	100 Full time by 31 December 2001
Tower Software Pty Ltd	10 Full Time by 31 December 1999

5. None of the companies have relocated interstate operations however, Intec Australia from South Africa and Sverdrup Technology from the USA, are both international IT firms that were looking to establish regional headquarters to service Australian and Asia Pacific markets. With the assistance provided, the ACT Government has ensured that both companies will expand their existing operations to become the Australian base for both national and international business.
6. In the past 12 months three applications for financial grants have been approved under ACTBIS. The companies and assistance provided are:

Company	Assistance Provided
AH CB Canberra Raiders Pty Ltd	\$30,000
Avcare-National Association	\$20,000
Radpharm Scientific Pty Ltd	\$80,000

The funding for Avcare and Radpharm has been paid and both companies have met their performance criteria as obligated by the ACTBIS Agreements.

AH CB Canberra Raiders Pty Ltd has fulfilled its obligations under the ACTBIS Agreement however the Territory is yet to be invoiced for the reimbursement of expenditure in relation to the lease of the Raiders' Braddon premises. As such, the funds are yet to be paid.

7. Current ACTBIS Agreements have varied terms ranging from three to five to ten years and therefore the employment target relates to longer term periods. At this point in time, if all employment targets are met, ACTBIS assistance will contribute to the generation of over 2000 full time positions. Employment reports to the end of December 1998 show that, where employment outcomes are known (some early Agreements did not obligate companies to report employment figures), some 546 full time positions have been created with ACTBIS assistance.

I will provide a report on the operation of ACTBIS to the Assembly by the end of June 1999. I have also asked that information on the operation of ACTBIS be included as an attachment to my Department's Annual Report.

**Phillip Vehicle Testing Station Site
(Question No. 136)**

Mr Stanhope asked the Chief Minister, upon notice, on 20 April 1999:

Noting the answer to Question on Notice No. 26 concerning the former Vehicle Testing Station at Phillip, which indicated that the Government had entered into an agreement with a Queanbeyan company for lease of the land left vacant by the closure of the Phillip Vehicle Testing Station and that this Agreement was contingent upon the company meeting specific contractual obligations;

1. Has the organisation fulfilled these contractual obligations, if so, has a final execution of the lease agreement been negotiated?
2. How much does the organisation intend to expend on the site upgrade?
3. How far advanced with the project is the organisation?
4. Has the organisation created any new jobs since it commenced operations and if so, how many?

Ms Carnell: The answers to the member's questions are as follows:

1. In order to secure the lease of the Phillip Testing Station, EOS were obligated by the ACTBIS agreement to increase its issued capital to \$5.1 million. Electro Optic Systems (EOS) has received offers of financial backing from several investors and is now in the process of assessing the offers to select the most appropriate alliance. Consequently the company is yet to finalise the lease Agreement with the Territory. EOS expects to finalise funding arrangements by the end of June 1999 and will then be ready to sign the lease by the end of July 1999.
2. The business plan presented with the ACT Business Incentive Scheme application indicates that the organisation intends to expend between \$1.4 and \$1.6 million to relocate to and upgrade the Phillip facility.
3. The ACTBIS Agreement to assist EOS is not for a specific project but rather is designed to retain the company in the ACT region and to assist it to relocate to premises that will accommodate its future expansion.

Electro Optic Systems is an established Australian owned technology based aerospace company that incorporated in 1986. EOS designs and builds electro-optic systems based on the use of lasers and electronic imaging. These systems range from small lightweight military sight surveillance systems to complex electro-optic satellite tracking and ranging systems. EOS has projected strong growth over the next three years to a target workforce of 200 by the end of 2002.

4. EOS has been a growth company since it was incorporated in 1986. Since applying for ACTBIS assistance, the company has increased employment from 55 to 71 full time positions. The company currently has four people working on secondment at its Tucson facility in the US because there is not enough room at the Queanbeyan site.

22 April 1999

Schools - Roof Treatment
(Question No. 151)

Mr Berry asked the Minister for Education, upon notice, on 21 April 1999:

In relation to the recent treatment works on the roofs of Canberra High School and Melrose Primary School, in which the roofs were treated by painting the tiles

- (1) What was the reason for adopting this treatment for tiled roofs.
- (2) What was the cost of the treatment at each school.
- (3) Did any other schools have their roofs treated, if yes (a) which ones and (b) what was the cost of each.
- (4) Is it planned to carry out the treatment at any other schools, if yes which ones.

Mr Stefaniak: The answer to Mr Berry's questions is:

(1) The existing roof tiles had lost their protective coat, had become very porous and had begun to leak in an increasing number of areas. The problem was wide spread at the identified schools and required treatment to all roof tiles. Treating the tiles with a sealant was the most cost effective solution and is the "painting" to which you refer.

(2) Cost for each school was:

(a) Canberra High	\$107,000.00
(b) Melrose Primary	\$ 54,400.00

(3) Southern Cross Primary also had its roof tiles treated at a cost of \$ 60,214.00.

(4) At this stage it is not planned to carry out roof tile treatment at other schools. However, as this rectification method provides value for money on a whole of life basis and provides a cost effective solution, if a school required tile repairs this rectification method would be considered.

**Wide Load Vehicle Escorts
(Question No. 155)**

Mr Hargreaves asked the Minister for Justice and Community Safety, upon notice, on 22 April 1999:

In relation to AFP wide-load vehicle escorts on 16 and 17 April 1999.

1. Is it the case that in these recent instances, rather than using traffic motorcyclist police, the AFP instead redirected general duties patrols from their normal community policing tasks, if so
 - (a) why did this happen; and
 - (b) what effect did the reduction of these police patrols have on the Canberra community.
2. Does the AFP's new Traffic Management Plan address wide-load escorts.

Mr Humphries: The answers to Mr Hargreaves' questions are as follows:

- 1(a) There were no police motorcyclists working at the time of the escorts. The skills required for the escort did not require specialist members and the operation was completed without incident.
- (b) This action had no adverse effect on the Canberra Community. The escorts took place at 3.45am which is a quiet time and there were several other patrols on duty in a position to respond to any incidents occurring. In addition, the use of the members from the patrol allows skills to be practiced and the decision was supported by the supervisor and traffic team leader.
2. No, however, when a request is received for escorting wide-loads at the AFP Major Events and Traffic Support, that request is forwarded to the relevant patrol district for attention and action. The co-ordinator of that patrol makes the decision as to how the escort is best performed.

22 April 1999

**ACT Prison – Design Costs
(Question No. 156)**

Mr Hargreaves asked the Minister for Justice and Community Safety, upon notice, on 22 April 1999:

Noting in the 1998/99 Capital Works Program that \$500,000 was allocated for “design costs” for the proposed ACT prison.

- (1) How much as at 31 March 1999 had been spent against this allocation.
- (2) How much was the outstanding commitment against this allocation.
- (3) To whom were the contracts awarded for works of a design cost nature.
- (4) Does the Government anticipate that any carry over financial commitment from 1998/99 into 1999/00, if so under what head of expenditure will this carry over commitment receive funding.
- (5) For design work commenced in 1999/00;
- (e) will the Government provide public funding for this work; and
- (f) under what head of expenditure will such provision be made.

Mr Humphries: The answer to Mr Hargreaves' question is as follows:

- (1) As at 31 March 1999 the amount that has spent against this allocation is \$57,460.
- (2) The outstanding commitment against this allocation is \$442,540. is however expected that 1998/99 expenditure will be approximately \$100,000 with a roll over of \$400,000 in 1999/00.
- (3) As at 31 March 1999 no contracts of a design cost nature had been awarded .
- (4) The Government anticipates that of the \$500,000 allocation in 1998/99, \$400,000 will be carried over in 1999/00 in the capital works program.

- (5)(a) The Government's preferred position is to contract the design, construction operation and possibly financing of the correctional facility from either the private sector or another State Government through a comprehensive tender process. Although the Standing Committee on Justice and Community Safety has yet to make any recommendations as to the establishment of a prison in the ACT, the amount carried over into 1999/00 will be used for the engagement of a consultant team to develop the prison specifications. The Government will therefore be providing public funding for this "design work".
- (b) This amount will be rolled over into the Capital Works Program.