DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 May 2002

Thursday, 9 May 2002

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Thursday, 9 May 2002

The Assembly met at 10.30 am.

(Quorum formed.)

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

Death of Emeritus Professor Heinz Arndt

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I move:

> That this Assembly expresses its deep regret at the death of Emeritus Professor Heinz Arndt, who was Professor of Economics at the ANU from 1950 to 1980 and was an influential researcher in the area of economics in developing Asia-Pacific nations, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, it was with great sadness that I learnt of the death of the eminent economist, Emeritus Professor Heinz Arndt. He died on Monday morning in a single-car crash on the campus of his beloved Australian National University. Aged 87, Heinz Arndt has left an enormous legacy to all Australians. He played a large part in the post-war intellectual life of the nation. He was one of the first to recognise the importance to Australia of the Asia-Pacific region and his understanding of social ideals made a significant contribution to development economics. Heinz Arndt was a professor at the ANU for 30 years.

Heinz Arndt was born in Germany in 1915. He gained his undergraduate degree and Masters at Lincoln College, Oxford. He worked variously at the London School of Economics and at Manchester University before settling in Australia in 1946 with his wife, Ruth, an academic also. He moved to Canberra in 1950 to become the Chair of Economics at the Canberra University College and remained the Professor of Economics at the ANU until 1980.

Professor Arndt brought new ideas about economics to our nation. He played an eminent role in popularising the Keynesian revolution of 1936 within Australia. Professor Arndt became active in domestic economic affairs as soon as he arrived in Australia. He was prominent in the Sydney meetings of economists held by the Governor of the Central Bank. He was also active in a select group looking at tax reform in this period. Professor Arndt was a popular economic commentator and was often heard on ABC radio debating matters of importance during the 1950s and 1960s.

In 1963 he shifted his focus from Australia to Asia. He was to play a major role in developmental economics, addressing the issue of poverty in Asia. He saw a gap in the academic knowledge of the world's third largest developing economy and positioned Australia to fill it.

He took a group of his students and created the Research School of Pacific and Asian Studies at the ANU. This enabled him to start the "Indonesia Project" in 1965. The flagship of this project was what is known as the world's leading journal on Indonesian economics, the *Bulletin of Indonesian Economic Studies*, now in its 35th year. The research school is also recognised as the foremost centre for Indonesian studies outside Indonesia. Only in the last fortnight the Ambassador for Indonesia talked to me about the "highly respected Indonesia Project".

Heinz Arndt was President of the Australian Association for Cultural Freedom from 1977 to 1986 and wrote for the magazine *Quadrant*. He was a longstanding member of the Australian Labor Party, resigning after disagreeing with Gough Whitlam over his groundbreaking trip to China.

Not only was Professor Arndt a political activist in federal politics, he was also active in the early political life of the ACT. He was a member of the ACT Advisory Council from 1959 to 1963, contributing his expertise and social concern to the wellbeing of Canberra. He worked closely with his wife, Ruth, who also made a significant contribution to the Canberra community.

To assist migrants and refugees from Europe, Heinz and Ruth Arndt started a department of adult education at the ANU. They left a profound influence on the ANU community, not only from their direct participation in university affairs but also through their family life as parents of three alumni. I value this particularly because of my own strong links to the ANU.

He fostered relationships with the diplomatic community in Canberra, encouraging links between academia and government in the Department of Foreign Affairs and supporting foreign diplomats and their families new to Canberra. Heinz provided many hours of welcoming conversation gathered from his own experience of moving to the bush capital.

An example of this community spirit was his regular call around the corner to see his good friend and fellow economist Sir Leslie Melville. It was in driving to give the eulogy at Sir Leslie's funeral that Professor Arndt was tragically killed. In a sense, he was involved in the life of our community until his last moment of life.

Heinz Arndt is survived by his three children, Nick, Chris and Bettina, nine grandchildren and one great-grandchild. I know all members will join with me in expressing my sympathy to the Arndt family. It is with respect, admiration and gratitude that we, as Australians and Canberrans, remember Emeritus Professor Heinz Arndt.

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, I rise on behalf of the opposition to support the motion that has been moved by the Chief Minister and to indicate the fact that, with the death of Heinz Arndt, Canberra has lost a great mind and passionate advocate for the Australian National University, a talented economist and certainly a committed member of this community.

As the Chief Minister has indicated, Professor Arndt's involvement with the Australian National University goes back a very long time. I had the privilege of serving on the University Council at the ANU with Professor Arndt for a period of about a year. His

contributions were always very thoughtful. He was regarded as a person of great conscience and considerable intellect. In a setting where, sometimes, politics and political games would be played, he was a person whose view could always be counted upon to represent the best interests of the university and its teaching and research.

Professor Arndt, as members have heard, was born in Germany and studied in Britain before coming to Australia. The role he played in the development of economic policy in Australia is a very significant one. The personal papers that he produced, the very many articles, documents and books that he wrote, are now held in libraries all over the world and certainly are a very important part of the libraries and repositories of Australian teaching institutions.

He was particularly interested in areas to do with macro-economics, economic development and, in particular, South-East Asia, especially Indonesia. He was responsible for the establishment of the *Bulletin of Indonesian Economic Studies*, a journal which is now in its 35th year of publication. He was the inspiration behind the so-called Indonesia Project, which is now some 20 years old, providing detailed assessments of the Indonesian economy. Because of the historic and reputable work of Professor Arndt, the Research School of Pacific and Asian Studies, as it then was in 1963, has been recognised as the foremost centre for Indonesian studies outside of Indonesia.

Mr Speaker, I believe that the significant passion with which Professor Arndt approached the task of contributing to the Australian community is an important example to all Australians. He was a man who was never afraid to give of himself, to make his time and his considerable intellectual energy available for a variety of public purposes, and I think that citizens of his calibre are rare and much valued in life. It is sad that we have, this week, lost that contribution to Australian society. Even at the age of 87 Professor Arndt was a very active and a very passionate contributor to the life of this city.

On behalf of the opposition, I want to pay tribute to the work of Professor Arndt, his work in economics in particular, and his dedication to the growth and development of the Australian National University, a matter about which, as we have heard, he was extremely passionate. Our thoughts and prayers go out to his children, grandchildren and great-grandchild.

MRS DUNNE: Mr Speaker, I rise to pay tribute to Heinz Arndt, a true intellectual who modified his views over the years in light of new knowledge and reflection—something that I think we should all learn from. Commenting on this back in 1985, he wrote:

> In my own case, these political prejudices (if not, I would like to think, the moral convictions) underwent great changes over half a century, from a brief youthful Marxist phase to decades of Fabian-Keynesian views which gradually gave way to … a sceptical-monetarist near-libertarian position … It might be thought that such an odyssey would induce a decent humility: if I could be so completely wrong earlier what grounds of confidence have I that I am right now? I can only shamefacedly report that that has not been my experience. What others may diagnose as a banal example of the common drift to senile conservatism, reflecting that gradual loss of openness to new ideas and sensitive compassion that comes with the hardening of the arteries, presents itself in my mind as a process of learning from experience, both in the general sense of discovering that the world's problems

> are not as simple as they seemed when one was young … but also in a sense more specific to those who, in this century, have been compelled to observe the political and economic consequences of excessive extension of state power over the economy.

This sort of introspection and reflection shows that Heinz Arndt was very much an intellectual—an intellectual in the very best sense. He made a great contribution to the intellectual life of this city, and was a tireless letter writer.

One of his pet subjects, as we have heard, was Indonesia. He maintained over a very long period an active correspondence or debate with one Canberra journalist who wrote about the coup events in 1965, and he made his last contribution to that debate only last week.

Mr Speaker, as I have said, Heinz Arndt was an intellectual in the best public sense, and his legacy to Canberra and this nation is a formidable one.

Question resolved in the affirmative, members standing in their places.

Statute Law Amendment Bill 2002

Mr Stanhope, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.45): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill makes statute law revision amendments to ACT legislation under revised guidelines for the technical amendments program approved by my government. The bill makes amendments that are minor or technical, and non-controversial. They are insufficiently important to justify the presentation of separate legislation in each case, and inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. A copy of the revised guidelines of the technical amendments program is attached to the explanatory memorandum to the bill.

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

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

between legislation coming from different sources at different times so that better access to and understanding of the law is achieved.

This bill deals with four kinds of matters. Schedule 1 contains minor amendments proposed by government agencies. Schedule 2 contains amendments proposed by the Parliamentary Counsel's Office to ensure the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the Parliamentary Counsel's Office to correct minor typographical or clerical errors, improve grammar or syntax, omit redundant provisions, remove gender-specific references or otherwise update or improve the form of the legislation. Schedule 4 contains repeals of obsolete or unnecessary legislation proposed by government agencies or the Parliamentary Counsel's Office.

The bill contains a large number of minor amendments with detailed explanatory notes, so I will not go through each of them here. The Parliamentary Counsel's Office is also available to provide any additional explanation or information that members may need or require.

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

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

Duties (Personal Relationship Agreements) Amendment Bill 2002

Mr Quinlan, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.48): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Duties (Personal Relationship Agreements) Amendment Bill 2002 amends the Duties Act 1999. The proposals are twofold. Firstly, they remove inequities which inadvertently resulted from recent amendments to the Commonwealth's Family Law Act 1975. Secondly, they address an anomaly in the Duties Act whereby exemptions relating to the transfer of property are extended so that they apply uniformly to the termination of marriage or domestic or de facto relationships.

The December 2000 amendments to the Family Law Act allow the voluntary making of binding financial agreements before, during or after dissolution of marriage. The provisions were introduced, in part, to reduce the volume of contested property matters in the Family Court. However, because there is no court order, the binding financial agreements, and the pursuant transactions, are liable to duty under the Duties Act. This financially disadvantages those who voluntarily settle their affairs outside the courts.

The proposals in this bill amend the Duties Act to give parties to the binding financial agreements, and their children, the same rights under the Duties Act that existed prior to the Family Law Act amendments. This will keep the ACT in line with other jurisdictions who either have or are planning to amend their duties acts to restore the situation that existed prior to the Commonwealth amendment.

To maintain uniformity, the exemption provisions for agreements under the Domestic Relationships Act 1994, and their pursuant transactions, will have the same limitations and conditions as those for the new binding financial agreements under the Family Law Act.

Mr Speaker, the proposals in this bill also address an anomaly in the Duties Act whereby different rates of duty are charged for similar transactions on the termination of personal relationships.

The proposed amendments to this bill will create equitable and uniform duty exemptions for financial and domestic relationship agreements. Pursuant transfers and transactions will also be exempt from duty on the breakdown or termination of marriage or domestic or de facto relationships.

Mr Speaker, I commend the bill to the Assembly.

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

Rates and Land Tax Amendment Bill 2002

Mr Quinlan, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.51): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to present the Rates and Land Tax Amendment Bill 2002. This bill amends the Rates and Land Tax Act 1926 in order to define the rates liabilities for 2002-2003.

Members will recall the government's intention to cap rates increases to the actual movement in the consumer price index. That policy has been reiterated in my economic statement on 26 June 2001, the government's election policy statement on rating dated 6 July 2001, and my ministerial statement of December 2001. Other rating policies include a review into the establishment of an average unimproved value rates deferment scheme and investigating the provision of a long-term residents' rates rebate package. At this stage I advise members that the review and investigation are being undertaken by the Department of Treasury.

Mr Speaker, this bill will deliver on the government's promise in relation to rating for its first term of government. It adjusts the rating assessment for all properties for 2002-2003 by increasing rates charges applying in 2001-2002 by the actual movement in the CPI in the ACT from the December quarter 2000 to the December quarter 2001. The relevant CPI movement is 2.9 per cent, as reported by the Australian Bureau of Statistics on 23 January 2002. So, for example, if a property had a rates liability of $1,000 in 2001-2002 then the same property would have a rates liability of $1,029 in the next financial year.

In conjunction with capping rates increases at 2.9 per cent, this bill also ensures that the valuations for the year beginning 1 July 2002 will not be used for the purpose of rates assessment for 2002-2003. This will ensure that rates assessments for existing properties and properties with lease commencement dates during 2002-2003 will be calculated through the use of average unimproved valuations for the year beginning 1 July 2001.

Mr Speaker, the bill also will replace UV, unimproved value, with AUV, average unimproved value, to correct errors in certain formulas within the act.

Rates revenue is estimated at $110,786,000 for 2001-2002. In applying the capped increases, the rates revenue for 2002-2003 is budgeted at $113,998,794, an increase of 2.9 per cent. Municipal rates charges have been included in the federal Treasurer's division 81 determination and are exempt from the goods and services tax.

Mr Speaker, I commend the bill to the Assembly.

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

Building Amendment Bill 2002

Mr Corbell, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (10.56): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased today to present the Building Amendment Bill 2002. The bill responds to a potential crisis in the ACT building industry caused by the withdrawal of the insurance broker, Dexta, from the market for residential building work insurance. This insurance broker supported the MBA's builders warranty scheme. The impacts of a failure by government to act in relation to this issue are clear and they include the loss of jobs, significant impact on the ACT economy and upheaval for consumers trying to move into their new homes.

The ACT Building Act requires builders to have insurance before they can begin work. This insurance protects consumers if the builder goes bankrupt, dies, or for some other reason fails to complete construction and cannot be found. Once construction is complete, homebuyers receive a further five year warranty against construction faults.

The withdrawal of Dexta from the market means that around half of the ACT's builders will no longer have insurance for future work. It currently leaves only one broker, HIA Insurance Services, which provides insurance for the HIA.

Another insurer, Reward, operates on a moderate scale in New South Wales and Victoria, and has recently requested approval to begin operations in the ACT. I welcome their interest, and my department has written to the company about the information they need to provide to enable their application to be considered. However, considering the current volatility of the insurance market, I believe it is still prudent for the government to at least create a framework for a supplementary form of building warranty to meet the needs of the ACT building industry.

The government's objective in presenting this bill is to provide choices in the marketplace with the intention of mitigating the fallout experienced through events such as the HIH collapse, and more recently the withdrawal of Dexta. In consultation with the industry, the government has carefully considered a range of options to address the current crisis. This bill provides for fidelity fund warranty schemes with building warranty protection with the private sector, at arm's length from government. In this instance, the MBA has indicated that it is developing a fidelity fund scheme which will fit within the government's legislative framework.

Mr Speaker, I need to make it clear to members that the government is not in any way underwriting this or any other building warranty scheme. That is the path that was chosen by New South Wales and Victoria until the end of June this year. Mr Speaker, this is not to say that there are no risks at all for the territory government. The fact remains that, in the event of a catastrophic failure of a fidelity fund, or indeed of any existing insurer in the ACT building warranty market, the government would need to consider the impacts on the economy, employment and consumers, and formulate a plan to suit the circumstances. This is a reality that faces governments all around the country. It was a reality that the last government faced when it put in place the HIH rescue package.

This bill seeks to introduce a new approach to building warranty, but because it is not an insurance scheme, a range of safeguards needs to be put in place. In an insurance-based scheme, these safeguards would be imposed by the Commonwealth's Insurance Act 1973 and administered by the Australian Prudential Regulation Authority (APRA). A fidelity fund is not to be subject to the same provisions administered by APRA, and so the bill establishes appropriate prudential safe standards to ensure the transparency and rigour of the fund's operation.

Mr Speaker, I would like to draw to the attention of members the following key features of the scheme provided for in the bill:

- It will be required to operate under a trust deed and there are requirements for the content of these deeds;

- The fund will need to be managed by a representative board of trustees;

- There are requirements for prudent management, with disallowable criteria determined by the minister (including capital adequacy, the valuation of liabilities and effective risk management strategies and techniques);

- Schemes will need to be approved by the minister, subject to criteria set out in a disallowable instrument;

- There is a requirement for independent supervision of the scheme by an appointed auditor and actuary (at the trust's cost), subject to ministerial approval. This will include rights to require the provision of financial information on request, annual reports to trustees and the minister, and the power to suspend or revoke the scheme's authority to operate;

- There is also a supervisory role for the Commissioner for Fair Trading, requiring notification to that office of all decisions on claims to the commissioner; and

- Consumers will be afforded protection through the issue of fidelity certificates.

Mr Speaker, I am sure members will appreciate that the bill has been prepared within a short time frame. Work is continuing on the disallowable instruments setting out respectively criteria for applications for the approval of funds and their subsequent prudential management. I am hopeful that these will be available to members next week.

Mr Speaker, I believe that the bill proposes a constructive approach to the current crisis that has the potential to address the very direct impacts on builders, home buyers and, more generally, the economy of the ACT. I commend the bill to the Assembly.

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

Withdrawal of notice

MR SPEAKER: Members, I wish to advise that, in accordance with standing order 111, Mr Wood has withdrawn notice No 5, executive business, standing in his name.

Districts Bill 2002

Mr Corbell, by leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.03): I move:

> That this bill be agreed to in principle.

Mr Speaker, I am pleased to table the Districts Bill 2002. The Districts Bill 2002 will replace the Districts Act 1966. This bill will implement recommendations from a review of the Districts Act 1966.

The bill will also provide for changes in technology used in the surveying profession, provide for structuring and regulating the allocation and management of street addresses, and will make administrative changes relating to the position of Commissioner for Surveys of the ACT.

Key issues to emerge from the review of the old act are:

- The need to simplify the process of altering district boundaries. District boundaries are currently defined by written description as a schedule to the act. This bill will enable the written description for each district to be replaced by a deposited plan. This will enable adjustments to district boundaries to be made without the need to amend an act.

- Holding lease deposited plans should be prepared from information held in the digital cadastral database with little or no surveying field measurement. The bill provides for this to occur.

- The integrity of the digital cadastral database should be the responsibility of the Commissioner for Surveys so that confidence in the database is maintained among users. The bill also makes provision for this.

Mr Speaker, issues in addition to those raised in the review and which are responded to in this piece of legislation, were:

- That the bill removes a restriction imposed by the current legislation by allowing the Registrar-General to accept deposited plans for registration in the electronic as well as hard copy format. This is consistent with initiatives in other jurisdictions.

- The bill introduces control over the allocation and management of street addresses and the display of address identifiers. This will ensure that the correct address is displayed at the block frontage and that addresses are allocated in accordance with standards in place at the time.

- The bill also introduces minor administrative changes to clarify the role of the Commissioner for Surveys.

Mr Speaker, the government views the introduction of this legislation as an opportunity to modernise and simplify an ageing act by embracing the technological changes that have occurred in the surveying field. It is also an opportunity to introduce nationally accepted best practice in the regulation of street addressing, a move welcomed by emergency service providers as a step in removing confusion and reducing safety concerns. I commend the bill to the Assembly.

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

Planning and Environment—Standing Committee
Report No 1

Debate resumed from 9 April 2002, on motion by **Mr Quinlan**:

That the report be noted.

Question resolved in the affirmative.

Executive business

Ordered that executive business be called on.

Legislation Amendment Bill 2002

Debate resumed from 21 February 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (11.08): Mr Speaker, as the Attorney-General said, this bill marks an important stage in the evolution of the Legislation Act and completes the establishment of the legislative framework for the public access to legislation project, which I think most people would agree is a very desirable thing. Secondly, it provides more fully for the stages of the Legislation Act provisions. Thirdly, it restates, in updated form, some of the basic principles of statute interpretation, something about which the scrutiny of bills committee has raised serious concerns and members of the profession have expressed concern to me. I will deal with them later.

The bill contains a large number of things that are readily supportable, and the opposition will be supporting it in principle. I will mention some of the commonsense things contained in the bill. I refer to the general rules about commencement in clauses 12, 13 and 14 on page 13, because there have recently been problems in the courts as to just when instruments and acts commence.

Commencement will now be at the beginning of the day after an instrument is notified. That might seem fairly trite and basic, but that was not clear before. I can recall the Chief Justice having some concerns in April of last year as to when a particular instrument and a particular section of an act commenced.

There are some significant problems with the bill and some reasons why the opposition feels that it should be best looked at by the Legal Affairs Committee so that we can get it right. There are specific problems with proposed section 142, in relation to key principles of interpretation. It is worth referring to the very learned dissertation by the scrutiny of bills committee.

There was a bit of toing and froing between the committee and the Attorney's office. In report 4 of 2002 the committee pointed to two kinds of rights concerns arising from clause 19 of the bill, specifically proposed new section 142, which states:

> In working out the meanings of an Act, any relevant material not forming part of the Act may be considered.

The committee report states:

> The Committee pointed, in the first place, to an "access to law perspective", in that "the wider the range of materials that may be used to give meaning to the words of a law, the less the reader of a law is able to work out what those words mean simply by reading the text of the law". Secondly, the Committee pointed to "a separation of powers perspective, in that the greater the scope for the courts to mould the words of a law to achieve the 'purpose' of the law, the more the courts are made part of the legislative process".

The Chief Minister responded, and the committee made a further report, No 9, as a result of his response. The committee said that the Assembly might be further assisted by a reply from the committee. I am not going to read all the report, but it is worth highlighting certain parts of it. The committee said:

> The insertion into the *Legislation Act 2001* of proposed new section 142 raises the distinct prospect that the courts will interpret all the legislation of the Territory in a distinctly different fashion to their current mode of approach. In turn, counsel who appear before the ACT courts, and those who prepare opinions on the meanings of ACT laws, will need to adjust their mode of approach.

The committee further commented on three areas:

> The Attorney-General notes that "the use of extrinsic materials is now a long-established reality in Australia" and argues that proposed new section 142 "reflects the current position both under the *Interpretation Act 1967*, section 11B and the common law".

In response, the committee detailed what section 11B, which the courts have been using now for over 20 years, is all about. In reference to subsection 11B (2), the committee said:

> If regard were paid only to the 9 paragraphs of subsection 11B (2), it would be clear that under the *Interpretation Act 1967*, the extrinsic material to which section 11 refers is that which would provide guidance as to what those who drafted the statutory provision in question were seeking to achieve by that provision. It is suggested that this is how the concept of 'extrinsic material' has generally been understood from the 1980s, the time from which, as the letter of the Chief Minister correctly notes, nearly all Australian jurisdictions have enacted law similar to section 11B.

The committee went on to say:

> Given that paragraph 11B (2) (b) specifies "any treaty or other international agreement that is referred to in the Act" as an extrinsic source, it is arguable that this specific reference to some kinds of treaties indicates that when the Assembly enacted section 11B, it did not have in mind other kinds of treaties.

The committee had concerns about proposed new section 142 and the great widening of interpretation it would lead to. The committee went on to say:

> … subsection 11B (1) permits reference to treaties such as the human rights instruments such as the *Universal Declaration of Rights*—section 142 approaches the topic in a very different way. Section 142 is simply open-ended in what it allows an interpreter to make reference to. The only guidance given by the words of the Act is in the phrase "any relevant material not forming part of the Act ...". By comparison with section 11B (which provision is noted in the heading to section 142 as a predecessor) it is apparent from the text of section 142 that it is no longer concerned with whether the extrinsic material is of the kind that will provide guidance as to what those who drafted the statutory provision in question were seeking to achieve by that provision. Such a concern is of course reflected in 7 of the 8 examples which are appended to the text of section 142. But example 7, which illustrates how the *Universal Declaration* might be used, makes it plain that this concern does not limit the scope of section 142.

On this point, the committee concluded:

> In the end, one can see how section 11B of the *Interpretation Act 1967* is a predecessor to proposed new section 142 ... The committee does consider, however, that section 142 represents a distinct change in emphasis, in particular in view of the inclusion of example 7.
>
> The Committee must stress that modification of the proposed new section 142 to align it more closely with existing section 11B of the *Interpretation Act 1967* would not preclude the courts adopting the kind of reasoning employed by Justice Kirby. Clearly, some judges do take his approach, although it is also clear that many do not.

It went on to say a bit more about that. There are great concerns as to how widely proposed section 142 will be construed, what types of material can be used and how much further proposed section 142 is taking us. It is a quantum leap from what was in section 11B of the Interpretation Act.

The second point the committee raised was on the question of equity. It said:

> The Committee is concerned that use of extrinsic materials, in particular of kind such as the *Universal Declaration*, will add to the cost of litigation. This will be so in terms not only of the work of lawyers, but of the time the courts that will be taken up in working out just how statements of rights can guide the meaning of a particular provision of the Act.

This concern was in the minds of those who drafted section 11B of the Interpretation Act, the act which now applies. Subsection 11B (3) of that act provides:

> (3) In determining whether consideration should be given to any material in accordance with subsection (1), or in considering the weight to be given to any such material, regard shall be had, in addition to any other relevant matters, to—

> (a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision taking into account its context in the Act and the purpose or object underlying the Act, and,
>
> (b) the need to avoid prolonging legal or other proceedings without compensating advantage.

The committee noted that there was no corresponding provision in the amendments proposed to the Legislation Act and said:

> This again represents a change of emphasis, and might indeed lead the courts to conclude that the matters referred to in subsection 11B (3) are no longer relevant.

I have a note from a legal practitioner who was concerned about equity issues and the increased cost of litigation. I will mention that later.

The third point the committee had a concern about was the separation of powers in relation to proposed section 142. The committee report stated:

> [The Committee] noted that "the greater the scope for the courts to mould the words of a law to achieve the 'purpose' of the law, the more the courts are made part of the legislative process", and that it would "confer on the courts, and others who interpret the words of a law, a great deal more room for choosing the interpretation that they think desirable".

The committee considered a case involving Justice Kirby and Justice Handley of the New South Wales Court of Appeal, the case to which example 7 in proposed section 142 relates. I will not go into that. There are about three or four pages on that. Suffice it to say the committee had considerable concerns about how some extraneous documents could prevail over documents such as explanatory memorandums, which are a much more specific guide to what the legislature meant when it enacted a provision of any act.

The committee said that utilising a lot of extraneous documents and documents such as the Universal Declaration of Human Rights showed "how a particular rights analysis is often an incomplete approach even in terms of what such an approach would suggest". It then said:

> Thirdly, it suggests that the wording of Example 7 presents an incomplete analysis of just how rights arguments might be applied in the example. This is a point that is not addressed in the amendment proposed by the Chief Minister to the wording of Example 7.

The committee drew attention to those aspects of the new section 142, because it perceived that the provisions as shown in example 7 may bring about a very distinct change in the way the courts of the ACT interpret legislation. It said:

> That this might be so is apparent in the face of section 142, and gains greater likelihood if section 142 is compared to the existing section 11B of the *Interpretation Act 1967*.

They are some of the concerns the committee had.

I spoke to Mr John Harris, the president of the Bar Association, who I understand from the Chief Minister is writing a letter to the Chief Minister—the Chief Minister is probably quite happy to send copies to any interested person; he has indicated that he will send me a copy—expressing the concerns of the Bar Association. When I spoke to Mr Harris yesterday afternoon, he had particular concerns in relation to the equity of proposed section 142. It would mean a lot more work for lawyers and a lot more cost to clients.

This concern was borne out by a letter I received from another practitioner who said that he could spend a day working on giving proper advice under this new legislation as to what an act might mean and how a court might construe it. That is fine if a client has a lot of money, but if a client does not have a lot of money, that might well be a significant problem. Do we really need to go down the path that learned opinion to date seems to suggest section 142 might lead us down?

The Chief Minister, in his introductory speech, said:

> … some of the current provisions about statutory interpretation were included in the Interpretation Act almost 20 years ago and are well overdue for review.

I wonder. He went on to say:

> Therefore, the opportunity has been taken to restate the provisions in a simplified, updated and, where necessary, enhanced form.

I do not mind the provisions being simplified and updated, but the enhanced form is causing a number of problems, not only to the committee and its learned adviser, Peter Bayne, which I have gone through in some length, but also to people like John Harris of the Bar Association and other practitioners who are turning their minds to this matter.

I think the Chief Minister was wrong when in his introductory speech he said:

> The restated provisions do not represent a dramatic change in the rules of statutory interpretation but reflect significant common law development of statutory interpretation in recent years.

The view of certain people in the profession at this early stage is that these provisions may well represent a dramatic change. I think we need to exercise great care.

A learned gentlemen from La Trobe University, Mr Jeffrey Barnes, assisted the Office of Parliamentary Counsel office in this regard. I am mindful of the views of professional people who practise on a day-to-day basis. They are expressing grave reservations about this view. Perhaps it is overly academic and there might be problems in practice. It is very important for the Assembly to be satisfied that this law will not adversely affect the operation of laws in the territory. I feel there is a real danger of that.

This is from another practitioner who sent me some material on proposed section 142:

> This also raises an access and equity issue. The more matters allowed into evidence, the better placed will be people who can afford the time and money to conduct this sort of research to find and construe the relevant legislation, rather than relying principally on the terms of the Act.
>
> Moreover, assume you're a small solicitor having to advise a client of the meaning of an ACT statute. A prudent solicitor should probably research all the extrinsic material (as well as the statute) to advise the state of the law. That costs money.

He poses a question:

> Is it desirable to encourage the establishment of a system that could raise the cost of justice, without a clear proportionate public benefit?

He goes on to say:

> The Bill also claims it's anticipating developments of the common law. The anticipated development is clearly the increased use of extrinsic aids as a first resort, and not a last resort, when construing legislation.

He poses the questions:

> Is it desirable for the ACT to attempt to second-guess the development of the common law? Why should it be (yet again) a social laboratory?
>
> Is it appropriate to so change the way in which the law is interpreted without a wide public debate?"…
>
> Has the case been made out for the partial codification of the law relating to the interpretation of statutes? Given the common law's current stage of development, wouldn't it be better to allow the common law to evolve?

Mr Harris also said to me that with a quick look at the bill he had concerns about areas of the bill apart from proposed section 142.

The other practitioner had some comments on the determinative and non-determinative provisions in clause 6:

> The Bill provides that some rules of construction are so important they can only be displaced by a "manifest contrary intention".
>
> Others can be only displaced by means of a "contrary intention".
>
> There's no philosophical problem with the concept that some rules are so important they can only be removed by a "manifest contrary intention".
>
> As for other rules, the usual test is that a rule can be displaced by "necessary implication".
>
> This is a lesser test than a "contrary intention" test invoked in common law; it is invoked where there is no intention capable of being evinced, but some device needs to be resorted to to make a legislative scheme work.

> This is really technical. However, the explanatory memorandum really doesn't explain why this well known term of art has been ditched. It's a significant enough departure as to allow relevant interested parties to closely examine the provision to ensure that it will work in practice.
>
> This is a very technical bill. It's as dry as dust
>
> Yet it changes the way courts, tribunals, and practitioners will approach the construction of the law.
>
> In particular, it does extinguish some common law rules which changes some protections the common law offers citizens ...
>
> Moreover, this is a rare sort of Bill—it is the roadmap by which Courts construe *all* pieces of legislation.
>
> … it is incumbent on the Assembly to consult with specialists to ensure that the Bill can work in practice, and gets the balance right between the powers of the Assembly and the rights of Canberrans.

When I spoke to Mr Harris last night, he was keen for the Legal Affairs Committee to look at this piece of legislation.

We are going to agree to this bill in principle today, and a member of the government will adjourn the debate until next Thursday. I indicate that the opposition will move to refer it to a committee. *(Extension of time granted.)* I think Significant concern has been expressed by experienced practitioners, and this is a potentially significant change in the way all of our laws are interpreted. The scrutiny report is a very powerful document, backed up by the opinions expressed to me by two members of the profession, including the president of the Bar Association. There are other items that both members of the profession I have spoken to so far about this bill want to submit on.

I am mindful that the government and the bureaucrats are keen to pass the bill, but it is important that something so fundamental that affects the rights of Canberra citizens in such a big way as the interpretation of our legislation be done properly and that relevant practitioners who are going to have to work with this be able to have their say as well any other interested people in the community. When we briefly talked about this in the scrutiny committee, Ms Tucker indicated that another group might be interested in having a say.

It is important that we get this right. Accordingly, I will be proposing that we refer this bill to the Standing Committee on Legal Affairs for inquiry and report by 20 August. We have our hands full till 27 June. August 20 will be the first sitting day back in the new sittings. That will give the government a chance to pass the legislation in the August sittings. That is not unreasonable, given the complexity of this legislation and the very serious concerns expressed to date about part of it.

We need to get this right. Proposed section 142 would impose significant changes upon our system. There are some very worrying aspects to that proposed section. I think it is important you get it right and give people who are going to be affected, members of the legal profession who are going to have to advise clients and appear in court in relation to

this, a chance to have their say on that item especially but on other items in this very dry, complicated piece of legislation.

MS TUCKER (11.30): This bill completes the establishment of the legislative framework for the public access to legislation project started in the last Assembly. This has allowed ACT legislation, including subordinate laws and instruments, to be published on a legislation register website. My office is now regularly using this website and has found it very helpful in allowing quick access to ACT legislation. I offer my congratulations to the Parliamentary Counsel's Office for the effective management of this website.

The Legislation Act also brings together all the previous acts relating to the life cycle of legislation, so that all information about the process of how legislation works is brought together in one piece of legislation. The Legislation Act specifies various rules that apply to all other acts and instruments, so that they do not need to be repeated in every piece of legislation.

The bill before us today makes further technical amendments to simplify the legislative process. These mainly revolve around specifying the circumstances in which a particular act or statutory instrument can displace or override a provision in the Legislation Act. These amendments seem fairly straightforward, although I note that Ms Dundas will be moving amendments to do with a couple of issues, amendments I am happy to support.

The bill also transfers the remaining provisions of the Interpretation Act into the Legislation Act. This is a bit more problematic, as the process of simplifying the interpretation provisions has to some extent changed their meaning. I refer specifically to the interpretative provisions which describe how the meaning of ambiguous sections of legislation can be determined. Mr Stefaniak has spoken at length about that and the discussion the scrutiny of bills committee had.

The scrutiny of bills committee spent some time considering the implications of the proposed new section 142 regarding the use of extrinsic material in working out the meaning of an act. Proposed section 142 replaces section 11B of the Interpretation Act but in the process significantly streamlines its wording.

The implication is that there would now be no limits on what extrinsic material could be used, provided that it could be shown to be relevant. Of particular interest is the extent to which international treaties can be used in interpreting our legislation.

The government has argued that this change reflects developments in common law. However, the scrutiny of bills committee raised the point that the wider the range of materials that may be used to give meaning to the words of a law, the less the reader of a law is able to work out what those words mean simply by reading the text of the law.

Secondly, the committee pointed out that the greater the scope for the courts to mould the words of a law to achieve the purpose of the law, the more the courts are made part of the legislative process, which has implications for the principle of separation of powers.

The wider use of extrinsic materials could also increase the cost of litigation as more time is taken up by lawyers and courts in working out how the extrinsic material, particularly international treaties, can guide the meaning of a particular provision of an act. One could get caught in an endless circle of argument about the interpretation of a particular international treaty and the documents and case law that surround it.

The committee also raised a concern that the courts may decide that the provisions of an international treaty override the intentions of the legislators as expressed in other extrinsic documents such as an explanatory memorandum. This may not be a bad thing, if the legislation is in contradiction to a document like the Universal Declaration of Human Rights. I want to make it quite clear that I am not saying there is not a place for us to have regard for international treaties, but the Assembly does need to be clear that complications could arise from passing this legislation.

Current section 11B attempts to limit such extensive use of extrinsic material through the restrictions contained in subsection 11B (3), but no corresponding provision is contained in the new section 142. These restrictions refer to the desirability of giving more weight to the ordinary meaning and purpose of an act and the need to avoid prolonging legal proceedings where little advantage is likely to arise.

I am happy to support this bill in principle, but I want a bit more time to consider the implications of proposed section 142 in particular. I understand that the government is prepared to adjourn the debate after the in-principle stage so that members can have more time to discuss whether this proposed section needs amendment.

Mr Stefaniak said he wanted a committee inquiry into the bill. I have not made up my mind on whether that is necessary. I definitely want more time, which we are getting. Before next week we will make a decision about whether a committee inquiry is warranted.

MS DUNDAS (11.36): I rise to add the support of the Australian Democrats to this bill. The public access to legislation project set out by this bill is a great step forward. It certainly places the ACT at the forefront of access to legislation. The Internet site provides free public access to authorised versions of our legislation and other legislative material and is kept up to date. This project significantly enhances access to the text of ACT laws and subordinate laws and instruments that would normally be accessed only via the *Government Gazette*.

The bill before us today has been scrutinised by the scrutiny of bills committee, and they have raised some concerns which Mr Stefaniak has again raised today. I am not convinced that we need a further committee inquiry. It is true that there are concerns, but perhaps we need to adjourn the debate for a couple of days, as has been flagged, to spend more time speaking to the legal fraternity.

The debate is largely one on the difference between judge-made law and parliament-made law. This is a debate that has been going on for centuries. I see this bill as putting the onus back on law makers rather than judges. I see this debate as a reminder that we need to be careful as legislators.

Members of this Assembly will recall that I was the lone voice of dissent against the recent Crimes Amendment Bill, commonly known as the anti-hoax bill. The concern I raised at the time was that the definition of offences was very broad, even though members of this Assembly may have known what that definition was meant to be. My fear was, and is, that the offences could be misused by future Attorneys, DPPs or indeed judges. This concern is reflected in my concerns about the current anti-terrorism laws being scrutinised at a federal level.

We must be careful as law makers. We must be sure that laws are easy to read, that they are easy to access and that they are what the Assembly wishes to prescribe.

The use of extrinsic material is commonplace in the Australian legal system where ambiguities arise. We must work to reduce these ambiguities, and when they arise within the legal system the Assembly must be quick to react, revisit the policy issues involved and perhaps even revisit the legislation itself.

I will support an adjournment of the debate on this bill to allow a few days of further consultation with the legal fraternity. I would prefer this to further examination by the same committee that has already examined this piece of legislation twice.

I have circulated to members two minor amendments that I will speak to during the detail stage. Maybe the concerns expressed by other members can also be addressed by minor amendments. I would be happy to consider them if they are circulated.

In conclusion, I strongly support the public access to legislation project. I am happy to add my support to this project

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.39), in reply: Mr Speaker, the first objective of the bill is to complete the establishment of the legislative framework for the public access to legislation project. ACT legislation and related notifications, instruments and information are now available on an approved Internet website. All provisions dealing with the life cycle of ACT legislation are now found in a single act, the Legislation Act, rather than being scattered across various acts and therefore not easy to find or use. As a part of this process of consolidation, the Legislation Act will incorporate the provisions of the Administration Act and the Statutory Appointments Act, which will then be repealed.

Second, the bill deals more fully with the status of Legislation Act provisions and clarifies the basis of their application and displacement. The bill makes it clear that the Legislation Act applies to all legislation, including its own provision. The notion of displacement refers to the fact that the act lays down a number of default rules—that is, provisions that will apply to all other acts and statutory instruments unless the other act or instrument indicates that the Legislation Act provision is not to apply in a particular case.

The bill divides all the provisions of the Legislation Act into determinative and non-determinative provisions. Determinative provisions are specifically tagged as such, and all other provisions will be non-determinative provisions. A determinative provision will apply unless another act or statutory instrument indicates very clearly that it is not to

apply. This can only be done in one of two ways. The other act or statutory instrument must specifically refer to the Legislation Act provision and state that it does not apply. Alternatively, the other act or statutory instrument must clearly contradict the effect of the Legislation Act provision.

If the provision of the Legislation Act is a non-determinative provision, it can be displaced more easily. For this purpose, the other act or statutory instrument need only express a contrary intention—in other words, a broad hint that the non-determinative provision does not apply.

As mentioned in my presentation speech, although these distinctions may seem subtle when discussed in the abstract, the examples in proposed section 6 in the bill will help to ensure that there are very few difficulties in practice.

Third, the bill restates the provisions in a simplified, updated and, where necessary, enhanced form. Some of the provisions revised by the bill were added to the statute book about 20 years ago. The restated provisions do not represent a dramatic change in the rules of statutory interpretation. They largely reflect significant common law developments in statutory interpretation in recent years.

In the detail stage, I propose moving an amendment to example 7 in proposed section 142 in response to a comment by the Committee on Legal Affairs. In a moment I will give further detail the reasons why the government does not accept the concerns expressed by Mr Stefaniak or the scrutiny of bills committee about proposed section 142.

Fourth, the bill includes new provisions confirming the application of the common law privilege against self-incrimination and legal professional privilege. These provisions will remove any doubt about the continuing application of the privileges to ACT laws. The important principles represented by the privileges may be displaced only by legislation that uses very clear language. This will help ensure that the privileges are not inadvertently displaced. Any change to displace these principles will be subject to Assembly scrutiny.

The bill makes minor and technical changes to improve the operation of the Legislation Act and the legislation register. In the detail stage, I also propose moving an amendment to proposed section 192 (3) in response to a further comment by the Committee on Legal Affairs. I have arranged just now for the Clerk to circulate my proposed amendments for the information of members.

Finally, the bill also makes minor consequential amendments to a number of other acts.

I will now explain the government's position on the issues that have been raised and discussions that have been undertaken between my office and other offices. We are happy to proceed to the end the in-principle stage today and for debate on the bill to be then adjourned.

As has been indicated, the government has some amendments. Ms Dundas has also circulated some amendments to the bill. As we have heard, the scrutiny of bills committee has made detailed comments in relation to this proposal. Mr Stefaniak has

also indicated that he has some serious concerns about it. So an adjournment of a week is quite acceptable to the government.

In Scrutiny Report No 9, the Standing Committee on Legal Affairs—Mr Stefaniak went into this in detail—made further comments on proposed new section 142 in the bill. These comments were made in light of the government's response to the committee's earlier comments in Scrutiny Report No 4.

Proposed new section 142 in the bill applies to the use of extrinsic material by the courts when working out the meaning of legislation. Extrinsic material is material that does not form part of an act. It may include, for example, explanatory memoranda and parliamentary documents relating to the enactment of the legislation in question. It may also include different kinds of documents, such as Law Reform Commission reports and international treaties to which Australia is a party.

The committee perceives that proposed new section 142—Mr Stefaniak expressed these concerns—may bring about a distinct change in the way ACT courts interpret legislation. The government does not believe that to be the case. The committee believes that the courts would, as a matter of course, refer to documents such as the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights when working out the meaning of an act.

The committee's view is that this would not be confined to situations where the language of the law is ambiguous or obscure. The committee says that this raises issues of access to the law and the proper role of the courts, and that it has implications for the cost of litigation. Report No 9 reiterates the points made by the committee in report No 4.

These matters were addressed in detail in the explanatory memorandum to the bill and in the response I made on behalf of the government to report No 4. I do not see any point in revisiting the matters in great detail. They are covered explicitly in the explanatory memorandum; they are covered explicitly in the government's detailed response to report No 4.

At this stage, the government does not share the committee's concerns. I have been advised by my department and by parliamentary counsel that in practice the proposed new section will not have any significant effect on the use of extrinsic materials by the courts. My office has had discussions with Mr Harris, as has Mr Stefaniak. I have received a note from the president of the Bar Association indicating that they wish to make formal comments on the operation of proposed section 142. I understand that those comments will be available by Monday. Of course I am more than happy to share them with all members of the Assembly. That is another good reason for delaying conclusion of this debate until next week.

Although the details of proposed section 142 are perhaps complex, the overriding principles are relatively straightforward. I will briefly outline the basis for the government's view that proposed section 142 has very little effective impact on the way laws are currently interpreted.

Firstly, use of extrinsic materials in statutory interpretation is now a long-established reality in Australia. We all know that. It is not something new. Since the 1980s, legislation in all jurisdictions except South Australia has permitted access to extrinsic materials. In the ACT, the statutory provision currently permitting access to extrinsic materials is section 11B of the Interpretation Act 1967. It was inserted into the Interpretation Act in 1985. Proposed new section 142 in this bill simply replaces section 11B.

Secondly—and this goes to the nub of the government's rejection of the height of the concerns expressed by the committee and Mr Stefaniak—since the 1980s several High Court decisions have firmly established that the use of extrinsic materials in interpreting legislation is permitted not only under statutory provisions such as section 11B but also at common law.

These decisions are discussed in the explanatory memorandum to the bill. See in particular paragraphs 96 and 98 of the explanatory memorandum, which go into detail on the application of common law rules to statutory interpretation. When these matters were explicitly raised in the explanatory memorandum, it is a pity that they were not discussed or mentioned in either of the committee's reports.

These decisions of the High Court make it clear that restrictions on the use of extrinsic materials under statutory provisions such as section 11B do not apply to the use of extrinsic materials at common law. As a result, section 11B has been overtaken by the common law, and section 11B of the Interpretation Act is effectively redundant. It is no longer needed. It no longer affects practice. The High Court has dealt explicitly with the use of extrinsic materials at common law, to the extent that section 11B, the provision we are replacing, is now effectively redundant.

Thirdly, not only have the courts established that it is legitimate to use human rights instruments in interpreting statutes in appropriate cases; they have also confirmed the use of international agreements in interpreting legislation with which the agreements have no explicit connection. Again, this is not something new. The position is illustrated in the passage from Australia's leading text on statutory interpretation—Mr Stefaniak would know it as well as I do—Pearce and Geddes *Statutory Interpretation in Australia*, 5th edition 2001. There is not a practitioner in Australia who does not regard Pearce and Geddes as the bible on statutory interpretation in this country. That was mentioned in the government's response to Scrutiny Report No 4, and the committee's response ignored that point as well.

Fourth, it should be stressed that proposed new section 142 permits, but does not require, relevant extrinsic material to be considered in working out the meaning of a statute. It therefore remains for the courts to decide when extrinsic material may be considered. In this regard, in relation to the new section 142, there is no change to the common law position at all. The courts will determine when to have regard to extrinsic material. They will do it whether section 142 exists or not. They will do it on the basis of the common law.

There is, therefore, no reason to think that the courts will start making reference, as a matter of course, to international human rights instruments when they work out the meaning of an act. If they want to do that, they can do it now. This section does not enhance or detract from their capacity to have regard to international human rights instruments in any way. The courts can, and already do, make reference to these instruments in appropriate cases. We know the cases. There do not appear to be any difficulties with the operation of the existing law.

International human rights instruments are an important part of the background against which ACT legislation is enacted. Although common law already permits access to them, at least in cases of ambiguity, the government's view is that example 7 in proposed new section 142 is a valuable signpost. It confirms that the Assembly recognises that human rights instruments and the important values embodied in them are among the materials that courts may use in appropriate cases to interpret ACT legislation.

As I said, section 142 is a catch-up provision. It is catching up with the common law and reflecting in our Interpretation Act current practice in relation to these issues. It is a valuable thing for us to do. It is appropriate that this Assembly reflect in legislation a recognition that human rights instruments are a valuable extrinsic aid.

I am happy to accept further input from the Bar Association and the Law Society on this issue and expect to have that information by Monday. The proposed adjournment, which I understand has the agreement of all in the Assembly, will allow us to resolve the difficulties that have arisen over the interpretation of proposed section 142. If we delay debate on this bill for a few days, we can discuss with the Law Society and the Bar Association the points the committee neglected to address in relation to the operation of the common law and we can negotiate a position on the bill.

I thank everybody for their contribution to this debate. I am very pleased with the level of cooperation in discussions between my office and all other offices on this complex legislation. The government would have preferred to pass this bill today, but we are more than happy to leave it for a week. The government and I honestly do not see how referring it to a committee would add to the process of consultation and debate. As far as we are concerned, the issue is quite straightforward and should be resolved through consultations and negotiations. I am hopeful that the advice we ultimately receive from the Bar Association and the Law Society will lead to us acknowledging and accepting, that section 142 will not have the effect the committee has intimated and Mr Stefaniak is concerned it may. The government does not accept that interpretation. Section 142 just catches up with the common law and expresses it in our Interpretation Act.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Drugs of Dependence Amendment Bill 2002

Debate resumed from 7 March 2002, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR SMYTH (11.55): Mr Speaker, the Drugs of Dependence Amendment Bill 2002 is to tighten the current act so it more accurately reflects the original policy, and to update the act to bring it into the year 2002. There are five main points. It will simplify section 58, to make it easier to read, and it will update the medical terminology to bring it into line with current practice. A clause which says it is only to be prescribed for those under the age of 19 years will be deleted. That will bring it into line, as it is now recognised that there are adult ADD sufferers. It will then bring the fines into a current situation and also make them relative to other fines. They are in penalty units, rather than set dollar amounts. It validates approvals that have been issued by the chief health officer since 1989. I think we should look very closely at all bills where we legislate retrospectively, to make sure that what we are doing is correct and appropriate. The Liberal Party has looked at this bill. We agree with its intent, and will be voting to pass the bill.

MS TUCKER (11.56): Mr Speaker, the Greens support this bill in principle but have some unresolved concerns about details. I understand members have agreed to adjourn this debate until next week, after the in-principle stage. In particular, I am concerned about the freeing-up of the prescription of Ritalin. It says in the tabling statement that the term "hyperkinetic syndrome" will be replaced by "attention deficit and hyperactivity disorder", a term which is used internationally. The phrase "under the age of 19 years" will be deleted from subsection 58 (4). This reflects current prescribing practice, which recognises that some adults suffer from attention deficit hyperactivity disorder and may benefit from the prescription of amphetamines, and ensures that persons who commenced beneficial therapy whilst children are not disadvantaged when adulthood is reached.

That sounds fine, but I am sure most, if not all, people in this place are aware that current prescribing practice is coming under challenge. Just recently, there was an article covering the number of preschool children who are medicated. There is now an international debate about medication of children for what some people see to be no more than just the exuberance or other-worldliness of childhood.

The medicalisation of children has been increasing. I think it is time we, as a parliament or an assembly, really thought about this. We are now accepting current prescribing practices. We are changing law, and I believe we should be thinking about whether or not that is appropriate.

Staff from my office have talked to people who work in the drug abuse area. They are concerned because there has been an increase in the injecting of Ritalin. It is a drug that people trade. If we are going to start freeing-up further prescription of it, we should have that discussion first. Perhaps members will still agree that this is okay, but I would like the opportunity to have that fuller debate.

This may be something the health committee needs to look at. I remember, about three years ago, writing a letter to Michael Moore on this subject because concerns had been raised. As I said, for a number of years there has been national and international discussion about medicalisation of behaviour and medication of children.

We have had a number of inquiries in this place. I have received submissions from people from the organisation that supports families who have children diagnosed as having some kind of attention deficit disorder—hyperactivity. By no means do I want to diminish their issues.

I am not saying there is not a case for the medication of children. What I am saying is that maybe we should look at this to see why there is such an increase in the medication of children. We should ask: is this warranted? Is it a good thing for society? What are the long-term impacts of medicating behaviour? Is there a link between this and self-medication occurring in teenage years?

Substance abuse is often a form of self-medication, whether warranted or not. One would hope that people could find other ways of being supported, if they are very distressed or in despair, rather than medication. If it is starting at a young age, then surely there needs to be some thought put into that.

That is why I am wanting to see this debate adjourned today—so we can take a little more time and, next week, have a more detailed discussion. I may then have some amendments for this legislation.

MS DUNDAS (12.01): Mr Speaker, the Australian Democrats also support this debate being adjourned.

MR SPEAKER: Is somebody going to move that the debate be adjourned?

MS DUNDAS: If that is moved the Democrats will support it. I would like to raise some matters at the in-principle stage before we move to that point.

MR SPEAKER: I think Ms Dundas wants to make some comments.

MS DUNDAS: Sorry, I was pre-empting an adjournment. The Drugs of Dependence Amendment Bill seems to be changing a law, because it does not match current practice. As I said earlier, if there are ambiguities in our legal system between the law and the practice, this Assembly must work to address those ambiguities. We must revisit the policy issues—and here we are revisiting the legislation itself.

I agree that some issues are being brought out by having this debate. Should we be changing the law or should we be looking at how it is, in practice, implemented? That is one question I have yet to resolve.

When looking at pieces of legislation with retrospectivity in them, we should be very concerned—especially in the case where we are dealing with people's health—as we are here, with drugs of dependence.

I thank Ms Tucker for bringing to the floor a number of issues relating specifically to drugs of dependence—how they are being used by and prescribed to people in our community. That is another very concerning aspect of this debate. If somebody moves to adjourn, I will support that.

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

Education—Standing Committee
Statement by chair

Ms MacDONALD: I seek to make a statement regarding a new inquiry.

Leave granted.

MS MacDONALD: At its meeting on 23 April 2002, the Standing Committee on Education resolved to conduct an inquiry into vocational education and training in ACT high schools, colleges, post-colleges, registered training organisations and adult and community programs. Particular reference was to be made to the effectiveness of administration, promotion of vocational education and training, current programs and the extent to which they satisfy demand and the community's needs, unmet needs and gaps—including service provision and areas not currently involved with vocational education and training programs—the role of industry training advisory bodies, new apprenticeship centres, group training companies, the role of career advisory and placement services, and any related matter.

With regard to the first of these, we are looking at the coordination of vocational education and training across the ACT. With the second point, we are looking at the current situation. That leads us to the third point—where we fall down, where our gaps are, and what needs to be improved in the ACT.

With the fourth point, we are looking at some of the players that are not training organisations—how they contribute to vocational education and training within the ACT, what their roles are, what they do, and how they progress. That includes areas such as industry training advisory bodies. Most people here know that I worked for one of those for two years. I think they are generally much underestimated organisations. That also includes new apprenticeship centres and group training companies. We will look at the present situation in those two areas.

With the fifth point—the role of career advisory and placement services—we are looking at that in both college and post-college areas. The committee feels we should be giving students in years 9 and 10 broader scoping information than the advice that they are currently receiving. They ask, "Which college will I go to? Well, this is where my friends go, so I might go there." Or, "The advice I'm getting from the career adviser is that, to get on in life, I need to do maths, science and English and try to get into university, when, in fact, I have no vocation towards that. That is not where my interests lie, and it is not where my talents are." And, of course, any related matter—just in case we missed anything in the first five points.

We are looking at trying to get as many people as possible involved with vocational education and training. There are many people across the ACT who are involved with that. We would like as many of the people who are involved as possible to provide advice to the committee inquiry on what programs they run and what part they play in vocational education and training within the ACT. We would also like to visit as many of the different programs—colleges, registered training organisations, et cetera, as possible within the ACT. We want to compare them with other states and the Northern Territory to make the vocational education and training sector in the ACT the best in the country—one to which other states, territories, and even countries, aspire.

MR PRATT: Mr Speaker, I seek leave to make a statement about this inquiry.

Leave granted.

MR PRATT: This inquiry is extremely important. I believe it is a major educational policy area priority, and I am delighted that Ms MacDonald, Ms Dundas and I are at one on this.

There are many benefits which should flow from this inquiry. I will select a couple of these, which I consider to be screaming priorities. I feel that picking up year 10 students who might otherwise drop out is very important, both for them as individuals and for the community in general.

As we debated in this place yesterday, the retention of students is a priority concern for all of us. The crux of this issue and why VET is important boils down to this: not all students want to go on to university, so a well-balanced VET program reflecting the employment needs of the ACT is critical to meeting the needs of these students. I think this VET inquiry is well organised to address this high priority concern.

There is another burning priority in high school education in the ACT. This is what I personally believe to be a top-shelf issue. I think my colleagues on the education committee would feel the same as I do on this. I refer to the issue of children at risk and, coupled with that, the growing problem of disruptive behaviour in schools.

It is quite likely that the needs of a small percentage of our high school students, who are apparently disruptive and/or at risk, are simply not being met by our curriculum, as it currently stands. According to my instincts, an imaginative VET program would go a long way to resolving these types of mixed issues. This is a classic example of what we mean by diversity and choice in schools.

Mr Speaker, the previous government did reinvigorate the long-neglected VET program—however, there is much more to be done to further develop VET. We are delighted that the government also demonstrates a great interest in VET. Hopefully, this Assembly inquiry will go a long way to encouraging the government in this matter.

Report No 1

MS MacDONALD: I seek leave to move a motion authorising the publication of report No 1 of the Standing Committee on Education.

Leave granted.

MS MacDONALD: I move:

> That report No 1 of the Standing Committee on Education entitled Inquiry into 2002-2003 Budget, be authorised for publication.

In short explanation, it was an oversight that we had not authorised this for publication earlier.

Question resolved in the affirmative.

Sitting suspended from 12.12 to 2.30 pm

Questions without notice
Economy

MR HUMPHRIES: My question is to Mr Quinlan, the Treasurer. Yesterday in this place, Treasurer, you referred approvingly to the remarks of a commentator on ABC radio. Today it is my turn. Mr Uhlmann this morning put to Mr Simon Tennent from the Housing Industry Association this question: "So this year is a very good year to be Treasurer?" Mr Tennent replied, "Indeed." The basis for this comment, he went on to say, was that revenue from stamp duty will be "close to the mid-90 millions" and that revenue from land tax and rates will be at least $141 million.

Will you repudiate these estimates made by the HIA? Minister, are you yet ready to concede what everyone else in Canberra can see—namely, that the ACT budget is going gangbusters and that the only black hole is the one that swallowed your credibility?

MR QUINLAN: Thank you, Mr Humphries, for the question. I did not hear Mr Simon Tennent this morning. It is a good line that it is a good year to be Treasurer. I think I have used it myself in the past. Receipts from stamp duty, particularly from stamp duty on conveyancing, have been very good for some time and were anticipated in large part and committed in your own budget. The concern would then be whether we can assume that in future the same level of conveyancing will hold. That would be a fairly brave assumption.

When you say "this year", you mean either this calendar year or this financial year. I assume you mean this financial year. This financial year the budget has incorporated quite a high level of stamp duty receipts from conveyancing. I concede that. I also observe, as it was observed by Access Economics, that you loosened the purse strings and spent it. Are we talking about the current year or the future?

Mr Humphries: We could afford to.

MR SPEAKER: Order! If you want to have a conversation, do it after the Assembly rises. In the meantime ask questions and get ministers to answer them.

MR QUINLAN: The major concern with the budget is the losses on investments. $63 million was factored into the budget. We discussed the ins and outs of the numbers, but I do not think there was any dispute that we are not going to get anywhere near that in receipts this year. That leaves a significant black hole in the budget.

Pitching your expenditure lines at a high level of receipts from both stamp duty and land tax, as Mr Tennent observed, can create a black hole in the future when things normalise. I think there is an expectation that to some extent things will normalise. The commentators are talking today because interest rates have just gone up by 25 points and it is variously accepted that interest rates will rise again. Commentators on the same radio station were talking this morning about the probability of an increase of about 1 per cent overall. I think Mr Tennent went on to discuss that. The radio was in the background at the time as I had a tradesman in the house.

I accept that stamp duty receipts have been at a high, but that is the sum total of it. I have never said that stamp duty receipts have not been at a high. Thank you for filling out the thesis I have put forward that you struck a budget in a very good year as if all years to follow would also be very good years. That seemed to me to be a little irresponsible, but it was an election year and you reacted as if it were an election year. But you did not show any long-term thought or any long-term consideration for the territory.

MR HUMPHRIES: I ask a supplementary question. Minister, how much greater than budget estimates is Treasury saying to you revenue from stamp duty and land tax is going to be? That is, how much more than the amounts specified in the budget is Treasury expecting to collect from stamp duty and land tax?

MR QUINLAN: I will get you the number by the end of the day. I cannot pull off the top of my head exactly how receipts will stack up by the end of the year against the initial budget.

MR SPEAKER: Before we move to the next question, can I acknowledge the participants from the University of the Third Age who are in the gallery.

Chief Minister

MS DUNDAS: My question is to the Chief Minister. As you may be aware, Chief Minister, there was a gathering of tavern owners and workers out the front of the Assembly today. They were out at the front of the building because they tell me that you, your office and your government have refused to meet with them. Chief Minister, can you please explain why you are refusing to meet with these small business people from Ginninderra?

MR STANHOPE: Thank you, Ms Dundas, for the question. There a number of tavern owners from around the ACT—

Mr Humphries: Especially your electorate.

MR STANHOPE: There are tavern owners in my electorate but the issue that they are pursuing is an issue that is dear to the heart of all tavern owners in the ACT and dear to the heart of all hotel owners and proprietors in the ACT—they want poker machines.

Mr Quinlan: My Barbara wants poker machines.

MR STANHOPE: A lot of people want poker machines. In this instance, tavern owners want poker machines, Ms Dundas. I don't know what your attitude to poker machines is but this government's attitude is that we do not support the installation of poker machines in taverns. That is our view. They asked would we support a trial of poker machines in taverns and we said no.

There are only so many ways to say no, Ms Dundas. I have said no. It is very easy to say no over the telephone. I said no over the telephone. I said, "No, we will not support a trial of poker machines in taverns in the electorate of Ginninderra or indeed in any other electorate." There will be no trial of poker machines in taverns in Ginninderra or anywhere else in the ACT.

Ms Dundas, if you would like poker machines to be installed in taverns, then please feel free to agitate and to make representations to that effect. If it is the Democrats' view that there should be poker machines in taverns, if it is the Democrats' view that there should be poker machines in hotels, then of course we await to hear your expression of that view of Democrat attitudes to poker machines. Please feel free to articulate it here and now in your supplementary question. But, Ms Dundas, no, there will not be a trial of poker machines in taverns in Ginninderra or anywhere else in the ACT. The tavern owners in Ginninderra have been advised quite clearly that the answer is no.

MS DUNDAS: Mr Speaker, I have a supplementary question. I will not be using my supplementary to make a policy statement because my concern is not about what the tavern owners are asking for but the refusal of the government to meet with a group of constituents to work through their concerns. Chief Minister, will you make a commitment to meet with constituents from your electorate or will you now make a statement that you will not meet with voters or constituents of the ACT whose ideas you do not agree with?

MR STANHOPE: I meet often and regularly with a wide range of constituents, organisations and individuals. I am unstinting in my willingness to meet with the people of Canberra. I do it ceaselessly. I do it at a level that I think is probably not matched by anybody in this place. My diary is chock-a-block from 8 am to well into the night most nights of the week. There is a puerile questioning of my unwillingness to meet everybody that rings up and says, "Look, I want to ask you whether I can have poker machines in my tavern; I know you are going to say no but I would really just like you to tell me to my face 'No, you can't have poker machines.'" There will not be poker machines in taverns.

I meet constantly with my constituents and with other people around Canberra. I am unstinting in my willingness to meet with people—I always have been and always will be. I have a very open-door policy. Let us compare diaries, Ms Dundas. Let us do it. Let us see who is putting in the hard yards. I do resent this suggestion that I don't meet with my constituents or with anybody around Canberra. I do.

My office has had discussions with the tavern owners. We have made our position quite clear to the tavern owners of the ACT. We know the Liberal Party want poker machines in taverns, we know the Liberal Party want poker machines in hotels—we know that is your position. Of course, you are out there telling them that. It is not the Labor Party's position. We have an attitude about these things, we have a view about it, and our position at this stage is that we will not support a trial of poker machines in taverns. As I said, I can tell people that over the phone, I can tell them that in a letter, I can tell them that face to face. On this occasion I chose not to say no to their faces. It was conveyed to them in other ways.

It is interesting that today the Australian Hotels Association have come out in quite significant disagreement with the attitude and approach of the tavern owners to this issue. In a press release headed "AHA distances itself from protest", they said:

> The intended protest by the NFIB scheduled for today does not have the support of the Australian Hotels Association.
>
> Mr Michael Capezio, President of the AHA ACT Branch said today "The AHA has made significant progress within the ACT Legislative Assembly on highlighting the plight of small hotels and taverns in the ACT.
>
> "Today's political stunt by the NFIB—

supported by the Democrats, it seems—

> is not going to—

have any effect.

I don't stint on whom I meet but I am incredibly busy. I am willing to repeat here and now, as loudly as it takes: no, there will not be poker machines in taverns.

Chief Minister

MRS DUNNE: Mr Speaker, we have already heard the Chief Minister express a great deal of hubris and his contempt for constituents. I would like to ask you, now that you have confirmed what Miss Ayson—

Mr Stanhope: Whom is the question to?

MRS DUNNE: It is to you. Had you listened, you would know this. We have now heard the Chief Minister confirm what Miss Ayson said on radio today, and we heard Ms MacDonald yesterday bemoaning the fact that it took the federal minister for communications some months to see a union. I want to ask about your record on meeting and representing people.

Is this the same Miss Ayson about whom, in August last year, you wrote to the former Chief Minister, castigating him for not seeing her at a meeting, after the previous Chief Minister had already seen her on two separate occasions? Is this the same Miss Ayson from the National Federation of Independent Businesses? Is this the same person?

MR STANHOPE: I think perhaps it is, Mrs Dunne. It is also the same Miss Ayson who was a candidate for Molonglo in the last election.

Mr Humphries: So that's why you didn't see her!

MR STANHOPE: No, I am just clarifying it. Mrs Dunne seems to be confused as to how many Miss Aysons there are, who represent the NFIB in the ACT. I am aware of a Miss or Mrs Pamela Ayson, who now represents the NFIB, who was a candidate for Molonglo in the last election.

Mrs Dunne: She has always represented the NFIB.

MR STANHOPE: From memory, I think she got 216 votes. I do not think she managed to even pass the donkey vote.

Mrs Dunne: Your memory of votes is not very good. You were pretty wrong about my votes in Kaleen.

MR STANHOPE: I am pleased you raised that, Mrs Dunne. I do apologise. Now that you have raised it, I will respond to that.

In the second-last round of reports from the Electoral Commissioner on that last election, I am sure I saw that, in that Kaleen booth, you got no votes. But I understand that was corrected and that, in fact, you got 54 votes. I apologise for the mistake.

Mrs Dunne: That was the number I needed to get elected.

MR STANHOPE: In one of those wondrous coincidences in life, I have pondered the fact that the 54 votes I lost for you at that Kaleen booth are precisely the number of votes by which Harold Hird insists he was dudded. I think the complaint to the commissioner was that Harold Hird lost 54 votes somewhere in the translation. It always seemed wondrously coincidental to me The number of votes you received in that particular Kaleen booth—a grand total of 54 in a suburb of 5,000 people—is exactly the same number of votes which you managed to defeat Harold Hird by.

MRS DUNNE: Mr Speaker, I note that Mr Stanhope did not answer the question.

Mr Hargreaves: On a point of order, Mr Speaker: this is a preamble to a supplementary question.

MRS DUNNE: Okay.

Mr Smyth: Very tetchy.

MRS DUNNE: Very tetchy. Minister, as you say that you are such a very busy person, do you think you could table your diary, for the sake of comparison?

MR STANHOPE: Is this a "you show me yours and I'll show you mine"?

Indigenous people

MS MacDONALD: My question is to the Chief Minister. Is the government concerned at statistics from national data collections that consistently show that indigenous people in the ACT are disadvantaged compared to the non-indigenous community? In particular, what is the government doing to address the serious issues around indigenous health and wellbeing, which are surely fundamental measures of quality of life?

MR STANHOPE: Thank you, Ms MacDonald, for the question on a very serious issue. Indeed, indigenous health is a major concern of this government, and to address the issues we have made a number of commitments towards improving the health outcomes of indigenous people in the ACT.

One of the actions the government is undertaking is trying to improve the identification of the level of need. There is evidence to indicate that there is a high proportion of indigenous people in Canberra-Queanbeyan who are socio-economically disadvantaged and that indigenous people are more likely to die at a younger age than other Australians and die from circulatory diseases, injury, cancer, respiratory diseases and endocrine diseases, such as diabetes.

Hospital separations across Australia tend to be higher for indigenous people than for other Australians in all age groups, with dialysis treatment, pregnancy and childbirth, respiratory diseases and injury being the most common reasons for admission to hospital.

Anecdotal evidence suggests that the above indicators also apply in the ACT, along with other health indicators, including high rates of drug and alcohol use and family violence. Government and non-government agencies are actively working to improve data collections, and the government is assisting in refining national performance indicators in order to provide more accurate statistics on indigenous health.

With regard to improving services, the government, along with the Commonwealth, is funding the Winnunga Nimmityjah Aboriginal Health Centre—and, no, they have not yet asked for poker machines—to develop a strategic and operational plan. Without pre-empting the outcome of this work, I know it will assist in further identifying the needs of the local indigenous community. This plan is essential because of the exponential growth of Winnunga Nimmityjah over the last few years, indicating the high level of need being met by this service.

One issue in particular that the plan will focus on is the adequacy of facilities from which Winnunga operates. I know, from my visits to the health centre, that there is an appalling lack of space that workers and clients have to cope with. In my view, the situation must violate the health and safety of employees and clients, and the lack of space must contravene client confidentiality and privacy.

The ACT government provides some funding of Winnunga, but the medical centre is primarily funded by the Commonwealth. I will be pressuring the Commonwealth to meet its responsibility in this area to provide appropriate facilities and support for a health service for indigenous people in the ACT. The ACT government is willing to help wherever possible and would consider making land available if this were required.

The Office for Women is currently overseeing the development of a whole-of-government framework to address issues surrounding violence and safety for women. Specifically in relation to indigenous women, the office is also developing an ACT indigenous women's action plan, which will form part of a national action plan for indigenous women. This plan is being developed in collaboration with Aboriginal and Torres Strait Islander women in the ACT community.

I have released a report by the indigenous health expert Barbara Flick into indigenous family violence, and my government is currently putting together our response.

The Department of Health and Community Care is currently developing a set of detoxification standards to operate under the Public Health Act (Australian Capital Territory). The government will work with the Aboriginal and Torres Strait Islander communities in the ACT in developing culturally appropriate education, detoxification, rehabilitation and outreach programs to address the increased rates of alcohol and drug misuse within Canberra's indigenous communities.

The government has funded an Aboriginal midwifery access program to provide appropriate midwifery support for Aboriginal women. The government has also recently funded an indigenous home and community care service to provide support to indigenous clients. This service has been extremely well received in the ACT community.

We have also provided $250,000 to increase access for indigenous people to mainstream health services. This funding was allocated following consultation with the Aboriginal and Torres Strait Islander Health Forum and will fund two additional Aboriginal liaison officer positions, two part-time outreach workers to support indigenous clients requiring overnight assistance, funding towards a sexual health indigenous peer support program and funding for cultural awareness training for mainstream health services.

I believe that reconciliation between indigenous and non-indigenous people is important to the health outcomes of indigenous people. I will be taking advantage of Reconciliation Week from 27 May to 3 June to introduce a range of initiatives to enhance the recognition and respect of the indigenous community in Canberra.

These are just a few examples of the government's response to the health and social needs of the indigenous community in Canberra.

Chief Minister

MR PRATT: My question is to Mr Stanhope. On 11 April, I raised concerns about the unsuccessful attempts by the Tuggeranong Community Council to get you to speak to a meeting of that body. I understand that, as of today, it has still not heard anything from your office. Will you give a commitment today that you will speak at a meeting of the Tuggeranong council, at a suitable time, within the next two months?

MR STANHOPE: Thank you for the question, Mr Pratt, and yes, I do recall the earlier question that you asked on the subject. I am not quite sure what my diary commitments have been over the last two months, or exactly whom I am meeting in the future, but I do

know that a member of the government is meeting with the Tuggeranong Community Council at 5 o'clock this afternoon—I am sorry, tomorrow afternoon.

Mr Humphries: You are the Chief Minister. They want you.

MR STANHOPE: It is a sign of my popularity, my standing in the community and the standing of this government, that everybody in Canberra wants to see me. I simply do not have enough hours in the day to see everybody. I know this is the most popular government we have had since the inception of self-government. I know you are the least popular opposition there has ever been. I know, just as the people of Canberra do. That is why you got such a flogging in the election. That is why you suffered a 16 per cent swing against you. That is why you were swept out of office—because you are hopeless and the people of Canberra know you are hopeless.

They know there is no sense in talking to you. There is nothing to be gained in talking to the opposition, so everybody in Canberra wants to talk to me. I get hundreds and hundreds of invitations to meetings and functions, and requests such as these. I cannot meet them all. I regret that I cannot meet them all. I regret the level of my popularity.

Mr Pratt: Mr Speaker, I raise a point of order on the basis of relevance. I do not need a history lesson on where we did or did not go wrong. Will he see Tuggeranong Community Council, which is a fairly substantial body?

MR SPEAKER: I think there was something relevant in the point that he did raise: his unprecedented popularity and the demands that have been placed on him. He was getting to your point, I am sure, Mr Pratt.

MR STANHOPE: I was. It is just a fact.

This is just puerile, childish, undergraduate nonsense. Mr Wood made the point yesterday that, after six months as minister for housing, he received a question on housing. There is perhaps no issue of more fundamental importance to the people of Canberra than the level and capacity of our public housing. It is a matter of major import. Mr Wood got his first question yesterday on the subject of housing. Today, I have received three questions on my diary, on my commitments. Mr Wood, until yesterday, had not received a single question on housing.

Mr Stefaniak: Mr Speaker, I wish to raise a point of order. I think the Chief Minister should check the daily program. He will see stacks of questions on notice on housing over the last six months.

MR STANHOPE: I am not only the Chief Minister, I am also the Minister for Health. I am also the Attorney-General. Today, I have had three questions. It is almost like a question on typographical errors. We are almost at that standard. One wonders whether, in the absence of the capacity to hack into ministers' computers, the Liberal Party really is at a loss when it comes to asking intelligent questions. If you cannot actually read someone else's mail, if you have lost the capacity to hack, one wonders whether or not you have lost the capacity to ask an intelligent question.

This really is incredibly puerile. It is incredibly puerile that, after six months in the job, all the opposition can think to ask me about is my diary commitments. It is absolutely amazing. It is interesting: a healthy democracy, a functioning democracy, a good strong parliamentary institution does require an effective opposition. However, I have to say that I think you are letting this institution down. You are letting down the fundamental strength of our democracy by your weakness, by your effeteness, by your ineptitude, by your simple lack of commitment to the job.

We are depending on you. We depend on you to ask some tough, rigorous questions about major issues of policy and government direction. We rely on you to do it. We rely on you, at some level, to take some interest in the business of government. It would be good if you could get yourselves organised and ask some serious questions on serious issues that are of concern to the people of Canberra, issues such as those related to education and to the status of indigenous people in this community.

I have just been handed some results. The Pamela Ayson that Mrs Dunne asked about received 193 votes.

MR PRATT: Gee, thanks, for the lesson on Bridget Jones' diary. Chief Minister, is your refusal to give a commitment to speak at the council an indication that the government is not concerned about meeting peak community bodies?

MR STANHOPE: That is nonsense. I did not refuse to give such a commitment. In fact, there are a range of ways in which one could look at this matter. The meeting will be held tomorrow at 5 o'clock with the Tuggeranong Community Council—

Mrs Cross: I thought it was today?

MR STANHOPE: Yes, I corrected that and said tomorrow, but you were not listening. You were gabbling. There is a meeting tomorrow afternoon between the Tuggeranong Community Council, Mr John Hargreaves, members of my personal staff, members of my department and other parliamentary colleagues.

Mr Humphries: But not you.

MR STANHOPE: Oh, so I have to attend every single meeting? How puerile is this? Mr Humphries, why have you not been at every function I have attended in the last three or four weeks? Why weren't you at that clubs association meeting?

Mr Humphries: Because I was not invited.

MR STANHOPE: No, Mr Smyth was actually there representing you. Why was Mr Smyth representing you? Indeed, why have you not been there at every function I have attended in the last three weeks? Why have you been represented by Mr Smyth? Why aren't you at every function, Mr Humphries? Where are you, off dollying away, having a little holiday? We know your penchant for the old feet up, Mr Humphries, the old lie down, the feet up on the couch in front of you. We know you do not actually like to get the hands dirty.

You know this is puerile. Do you want me to stand up in here every day you do not turn up at a function, Mr Humphries, and say, "Mr Humphries was not there. He was represented, once again, by either Mr Smyth or the ever-present Mrs Cross." We are watching the byplays with great interest. I do not know whether you think you are off to the Senate, but the jockeying is on.

Section 78, Griffith

MS TUCKER: My question is directed to Mr Corbell as Minister for Planning. One of the contentious planning issues in the last Assembly was the Liberal proposal to redevelop section 78 in Griffith, the old Griffith Primary School. Many people in the community want to keep the land for public use and not have it subdivided for housing. In the face of significant opposition, the Liberals backed down from selling the land and announced that they would undertake a detailed assessment of needs for community facilities in Griffith and the rest of South Canberra before proceeding with further planning for use of the site. Could you advise the Assembly of the progress of this needs assessment under the new government?

MR CORBELL: I thank Ms Tucker for the question. I am not aware of exactly where the needs assessment is at. A number of needs assessment contracts have been let for both the north side and the south side of Canberra, and that work is progressing. I will come back to Ms Tucker with more detail on those examinations, but I can confirm for members that the government is committed to retaining the land at Griffith for community facility purposes.

We will not be progressing the previous government's proposal to change land use policy to permit some form of residential or other development on the site. We believe that that proposal was both short-sighted and unreasonable and highlighted the fact that as suburbs change and evolve they still need capacity for community facility land into the future. We have made a clear commitment that that land will be retained for community facility use. As a result proposals by the previous government to progress redevelopment of that site have been permanently shelved.

MS TUCKER: I ask a supplementary question. Given that a major aspect of this proposal was the removal of the O'Connell Centre to free up the school buildings for redevelopment, what are your plans for the O'Connell Centre building?

MR CORBELL: Currently a proposal is being progressed to relocate the O'Connell Centre. Those plans are yet to be finalised. My understanding is that the existing facility is extremely outdated and unsafe in a range of ways. In the view of the department of education, a view I accept, the facility can be operated from a better location, a more modern location, and work is under way to progress that.

That said, there is still a need to ensure that community facility land is retained in Griffith. Regardless of the future of the O'Connell Centre, the land will be retained for community facility use.

Ms Tucker: What about the building?

MR CORBELL: A decision on the future of the building has not yet been made. The O'Connell Centre, as I understand it, probably will not relocate until late this year, at which time the building would be returned to Land and Property in the Department of Urban Services for an assessment of alternative uses. But it is a little bit early to pre-empt exactly what will occur as a result of that.

Public transport study

MRS CROSS: My question is to Mr Corbell as the transport minister. It relates to the draft study brief for the government's proposed public transport study. Minister, last night I attended a Gungahlin Community Council meeting to discuss this proposed study and its implications for Gungahlin. The council passed a resolution at the meeting calling on the government to prioritise assessment of a light rail system for Gungahlin in its study. They further asked for an extension of time for the community to respond to the draft study brief, as many at the meeting only saw the document for the first time last night and submissions are due tomorrow. Will you agree to these requests?

MR CORBELL: The government is of the view that future public transport provision needs to be considered in a holistic way. For that reason we are not prepared to support a proposition that divides off a particular element of public transport provision from other parts of public transport provision. We are committed to an assessment of light rail in the context of public transport provision in the city overall. That means looking at light rail as compared to dedicated busways and other priority public transport measures. That is a sensible approach, and it is the approach we will continue to adopt.

In relation to Mrs Cross' second point, I have complied fully with the request of the Assembly to allow Assembly members to comment on the draft terms of reference. I am fairly sure that members have now received a letter from me with the proposed draft terms of reference, inviting—

Mr Humphries: Some of the terms of reference.

MR CORBELL: All the terms of reference. The letter invites comment. I may stand corrected, but I have not had drawn to my attention comment from any members who have expressed interest in commenting on the terms of reference. If members would like to raise issues, I would certainly welcome them and will seek to take them into account.

In relation to the comments from the Gungahlin Community Council, it was not proposed that the terms of reference be made available for public consultation. In response to the Assembly resolution, the government agreed to make them available to members of the Assembly for their comment. But it is important to get on with delivering this study, which is very important in the context of assessing the future sustainability of public transport in this city and how we can best deliver more effective transport in the city, whether by light rail or one of a number of other modes.

MRS CROSS: Minister, the draft study brief lists 13 sections in its table of contents, yet sections 6 to 12 are missing from the document. They address matters such as critical dates, the consultation and tender process and performance measures. Why is this, and will you table the missing sections in the Assembly today?

MR CORBELL: No, I will not, because they are not terms of reference. They are administrative detail related to the conduct of the tender. They are not relevant to the terms of reference. The Assembly requested that I provide the terms of reference, and that is what I have done.

Bus services

MS GALLAGHER: My question is to the Minister for Planning, Mr Corbell. Can the minister outline the enhancements to the ACTION bus network due to commence on Monday, 13 May?

MR CORBELL: Thank you, Ms Gallagher, for the question. Yes, I am very happy to provide members with some information about changes to the ACTION bus network. There are a range of planned changes.

Most significantly, Mr Speaker, there are a range of proposed changes which will greatly assist Gungahlin residents. There will be, overall, a 15 per cent increase in Gungahlin services. That means an extra 205 services every week to residents of Gungahlin. I think that, on its own, is a very clear indicator of this government's commitment to providing additional public transport to that very important, growing area of the city.

As well, Mr Speaker, we are focusing on ensuring that there are more frequent services. Some trips will be shorter due to a decision to use the newly opened Flemington Road extension. Buses will be able to use that road directly to get to Northbourne Avenue and then to Civic and places beyond, rather than using the other existing arterial road links.

For Amaroo and Palmerston residents, routes will also be more direct. This clearly provides further savings in travel time. Travel time has to be one of the key determinants in encouraging people onto public transport.

For employees at Russell and Campbell Park, a variety of measures will be introduced to improve the level of service. There will be three new return services for lunchtime travellers between Campbell Park and Civic. If members aren't aware, Campbell Park is a very large defence establishment and is quite isolated and, without a car, it is pretty difficult to get anywhere else during the day. We have made a commitment to provide lunchtime services for that facility to and from Civic—again, another incentive to use public transport for those short journeys.

There will also be a new service in the morning and one in the evening for commuters travelling directly between Belconnen interchange and Campbell Park, without having to go through the city interchange. These enhancements are the result of ACTION's very close consultation with Campbell Park workers.

I can also inform members, Mr Speaker, that the next round of timetabling adjustments will incorporate some increased services for south Canberra residents. That will happen at a later time.

MS GALLAGHER: Can the minister advise the Assembly what mechanisms ACTION has implemented to communicate the new and changed services?

MR CORBELL: Yes, Mr Speaker, I certainly can. ACTION are doing a lot of very positive work at the moment to increase community knowledge and understanding of the services they provide. That is important because, without that information, people simply may not realise that a bus service operates near them and is convenient for one or a number of journeys that they take on a regular basis.

ACTION had undertaken a letter box drop of all the new timetables in all the areas where there had been changes to the route services. It is a good prompt, not only for the people who are using the services already but also for those who perhaps haven't used the service or haven't used it for some time, to let them know there are improvements in the service and, again, another prompt to encourage people to use public transport.

ACTION has also distributed timetables through the interchanges. They are available at the Canberra Connect shopfront, ACTION ticket agencies and the ACTION website. It is a very comprehensive response.

I think the point to be made here, Mr Speaker, in conclusion, is that ACTION is continually working to improve its level of service, to focus services in areas of need and to respond to increased demand in particular areas. That is why the additional services in Gungahlin, in particular, are significant and that is also why it is important to communicate the change as well to the ACTION travelling public.

Tax rates

MR SMYTH: Mr Speaker, my question is to the Chief Minister. Chief Minister, in your reply to the budget speech on 26 May 2000, you stated:

> We need a government that will focus on delivering quality services and low tax rates.

Do you stand by your view that the ACT government should deliver low tax rates? Given that your Treasurer said yesterday, in this place, that the threshold for payroll tax might not rise as scheduled, how will you deliver on your promise to the ACT community?

MR STANHOPE: Mr Speaker, the government will deliver on all the commitments it has made to the people of Canberra. We will provide a government of integrity; we will provide a government that is honest; and we will provide a government that is in touch with the people of Canberra. That is essentially what we have promised, along with a whole range of specific election commitments.

My colleague the Treasurer has explained the situation in relation to payroll tax in the budget. Indeed, there are a whole range of initiatives and issues that we are considering in the budget context. Every government does that at this time of year and that is as you did. In relation to that, we are not going to rule anything in or out at this stage. They were exactly the same circumstances when you were in government.

It is an absolute nonsense to come here and ask, "What are you doing in the budget?" The budget has not been put to bed; we are still actively considering it; we are forming it; we are meeting, often and long, to discuss it and to make decisions around a whole range

of issues. Of course, we are not going to speculate about what is in or out. Those are the essential facts or truths around any issue to do with a budget.

At this stage of the process, we are bringing down the budget at the end of June. We are actively pursuing its development; it is something that—as it was for you, I am sure—consumes an awful lot of energy, takes a lot of time and requires very deep consideration of a whole range of issues.

In the context of delivering the budget, more than anything else, we are mindful of the commitments we made and of our determination to keep them.

MR SMYTH: Chief Minister, given their concern, have you met with the ACT Chamber of Commerce and Industry, as part of your budget consultation process—and did they raise the issue of ensuring that the ACT payroll tax regime stays competitive?

MR STANHOPE: I meet regularly with Chris Peters, although I have not had a specific discussion with him since this issue arose. It first arose as a public issue as a result of announcements made in Victoria. However, I am more than aware of the views of the chamber of commerce on this particular issue.

Roads—speed zones

MR STEFANIAK: My question is to the Minister for Urban Services. Minister, in your reply to a question from Ms MacDonald on a proposal by Mrs Cross to immediately introduce 50-kilometre an hour speed limits on suburban streets, you stated that this was "a half-baked announcement". You further stated that you wanted to give the trial more time to "take the community with us" and that polling that you had done showed that the proposal had the support of 70 per cent of the community.

Minister, yesterday, on 8 May, your colleague Mr Hargreaves—

Mrs Dunne: March.

MR STEFANIAK: This press release says "8 May". That is what it is dated. I understand that while it is dated 8 May it is actually 8 March. However, your colleague Mr Hargreaves also called for the introduction of 50-kilometre an hour speed limits for all suburban streets. In the last paragraph of his media release, Mr Hargreaves said:

> I call on the Minister for Urban Services, Bill Wood MLA, to give strong consideration to introducing a permanent 50 km/h speed limit on all suburban streets.

I seek leave to table that press release.

Leave granted.

MR STEFANIAK: I present the following paper:

> Fifty km/hour speed limits on suburban streets—Copy of media release by Mr John Hargreaves MLA, dated 8 May 2002.

Minister, was Mr Hargreaves' press release also "a half-baked announcement"? If 70 per cent support for a proposal is not sufficient support for implementation of a proposal, what level of support do you consider to be adequate?

MR WOOD: I have spoken with Mr Hargreaves on this and on many other issues. I have had many people approach me on this issue. Pedal Power ran a campaign on this, letterboxing certain streets in the ACT. I have read every email and letter that have come in—I have not counted them. There have been perhaps 200 to 300 approaches with perhaps 90 per cent of them in support of a 50-kilometre an hour speed limit. I am attending to them all. I told Mr Hargreaves that I am giving strong consideration—I think that was the term—to the issue. In our discussions, Mr Hargreaves and I have had a sensible debate about the various issues, about the specific planning circumstances in Canberra and his approach is a very measured and sensible one.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Do you consider that you are applying a different standard for Mr Hargreaves than you did for Mrs Cross, given that they both said the same thing?

MR WOOD: The standard I apply to Mr Hargreaves is a very high one. He stands high in my esteem.

Post-hospital convalescent facility

MR CORNWELL: My question is to the Minister for Health. It coincides with a letter I think we all received from the Older Women's Network concerning the establishment of a convalescent facility for patients following discharge from hospital. The Older Women's Network is a group represented in the transitional care reference group established within HACC, but meetings of that group have ceased as no progress was being made, due apparently to lack of a ministerial decision.

Minister, concerning Labor's pre-election commitment to "develop a step-down facility to assist the return home of patients with special convalescent needs", can you advise the current status of Mapleston House in Chapman, which is under consideration for such a role?

MR STANHOPE: I thank you, Mr Cornwell, for restoring a little bit of faith. With only one question out of seven focused on an issue of concern to the people of Canberra, we can only hope things will improve.

Mr Smyth: Is it the only one you have an answer for?

MR STANHOPE: Not at all. Think about it objectively after question time. Of the seven questions you have asked, six were truly derisory. They were puerile. You should go away and have a think about your performance today. It has truly been appalling. No wonder you were rejected with the alacrity you were, with a 16 per cent swing. We will double it next time.

Thank you, Mr Cornwell, for keeping your eye on the ball and doing the right thing. It is a serious question, and I am sorry that it is being greeted with such mirth by your colleagues.

A convalescent facility for post-hospital care is something we are all mindful of. It goes to the heart of the funding problems the Canberra Hospital faces. It is also an issue relevant to waiting times, as we all know. The extent to which there is a so-called bed block at the Canberra Hospital is a result of the fact that we have there at all times between 20 and 30 people who do not need acute accommodation or acute care at a particular stage of their hospitalisation or care. They have been through an acute phase and would be more appropriately cared for in a nursing home or some other low-care facility such as a step-down facility, convalescent facility or whatever you want to call it. It is in light of that that the previous government was exploring, as this government has been, options or opportunities for establishing post-hospital convalescent care in the ACT.

One of the issues the previous government commenced an investigation of was, as you indicate, Mr Cornwell, the facility in Chapman. The previous minister, Michael Moore, established a reference group to look at that and other options. In light of a determination to deal with this issues, a decision was also taken at that time to establish on a trial basis, in cooperation with the Commonwealth, an 11-bed facility at Morling Lodge, which targets older people from both Canberra and Calvary hospitals and which was designed to serve a purpose similar to that which is envisaged for a step-down facility. Morling Lodge now has 11 beds devoted to providing restorative care to a range of patients before they return home. It eases for that group of people who need longer to recover from the move from hospital, where they may have had some acute treatment, to home.

Mr Cornwell, it is relevant to the question you asked to also note that the funding used to establish that trial at Morling Lodge was the funding that had been allocated in the previous budget for the establishment of a convalescent facility. Half of the funds that were previously designated for the establishment of such a facility, as you have indicated, were used for the Morling Lodge trial. I think it was $260,000 to $300,000, which left a similar amount in that allocation to further that particular budget next year.

Of course, it cannot be done for that amount of money. It is simply not possible, so I have taken the decision that those funds that were continued—about $200,000—be utilised in individual care packages for older people who would otherwise perhaps have been identified as people for whom a convalescent facility may have been available.

The Department of Health and Community Care is working extremely closely with the community reference group on the Chapman option and a number of other options. In the budget context, on the basis I described before in response to an earlier question, we will be considering, as one of the many things we will be considering, the allocation of sufficient funds for the provision of ongoing services such as those that were envisaged for Chapman but in relation to which other options are also being considered.

MR CORNWELL: I ask a supplementary question. Thank you, Chief Minister. When might a decision on such a convalescent facility be made? I do not expect it next month. Given that many of those who would benefit from such a facility are currently using—you would be aware of this—urgently needed respite care beds in other facilities, can you give me any time scale on when this may come to fruition?

MR STANHOPE: These proposals are being actively developed. This is a significant program within the department of health. We are working on it actively. Of course, as with everything else, it requires a budget decision, and it is being considered in the budget context. It is a significant issue. It is something we have committed to. We accept absolutely the need for a post-hospitalisation care facility.

Road safety

MR HARGREAVES: My question is to the Minister for Urban Services. Minister, you will be aware of my reputation for providing advocacy on behalf of concerned sections of the community, such as Pedal Power, on road safety issues such as the 50-kilometre per hour trial and the bullbar debate, currently in the media. Minister, you will also be aware of the lack of advocacy from those opposite. Are you aware of the debate taking place in the community in relation to bullbars? What is the government's response to the call from some sections of the community to ban bullbars?

MR WOOD: Thank you, Mr Hargreaves. There are effective advocates in the community, like Pedal Power, and there are effective advocates in the Assembly, like the questioner, and I value that advocacy. It has been quite a debate—Ms Tucker was also interested in this subject. I have to say that I need that advocacy because over the years I have driven around and noticed various protuberances on bullbars without paying much attention to them. I had not particularly thought about them, so it is important that this be brought to the attention of a minister who is in a situation that is changing.

With all jurisdictions, which includes the Commonwealth, we are in consultation with the National Road Transport Commission and the industry to look at vehicle standards, including issues related to bullbars. That is basically for new vehicles—and the standards do change—and also for vehicles already on the road. It is an ongoing process, and we expect improved design standards in the future.

Following up the issues you raised with me, Mr Hargreaves, we looked at what we might do locally. The inspectors in DUS have been a little more active and are looking out for problem fittings. I have had advice that there have been 23 circumstances in the last three or four months where people have been told to take protuberances off their bullbars. We have asked parking inspectors to keep their eyes out for these, since they travel around and see very many vehicles.

I have not had any reports of outcomes from that, but parking inspectors are able to advise DUS inspectors of problems upon which action could be taken. So, at a local level, we are taking some steps and will certainly lock into any federal steps.

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

Annual reports

Papers

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, for the information of members, I present the following papers:

Annual Reports (Government Agencies) Act—Annual Reports, 2000-2001—
Declarations—Pursuant to—
Section 4A, "public authority", dated 9 May 2002.
Section 5, "administrative unit", dated 9 May 2002.
Directions—Pursuant to—
Paragraph 6 (2) (b), dated May 2002.
Paragraph 8 (5) (a), dated May 2002.
Paragraph 8 (5) (b), dated May 2002.
Subsection 7 (2), dated May 2002.
Subsection 8 (2), dated May 2002.
Subsection 8 (6), dated May 2002.
Subsection 11 (1), dated May 2002.
Section 10, dated May 2002

I move:

That the Assembly takes note of the papers.

Mr Speaker, the annual reports document that I have just presented is an incredibly good one.

Debate interrupted.

Questions without notice
Section 78, Griffith

MR CORBELL: Mr Speaker, in question time today Ms Tucker asked me a question about the community facility needs assessment. The community facility needs assessment consultants have completed their background research, mapping community facilities in consultation with community peak agencies and government agencies. They are now set to commence the community consultations to start in Gungahlin on 16 May, the inner north on 17 May, the inner south on 20 May, east Belconnen on 22 May and west Belconnen on 24 May.

Inner south consultation will take place from 12 to 2.30 pm at the Wesley Uniting Church in Forrest. The Griffith/Narrabundah Action Group and a range of other individuals and groups, including the local LAPAC, have also been invited. There will also be radio announcements and paper advertisements. Further focus groups are envisaged to follow in these consultations. The study is due to be completed by September, although it is possible that this time frame will be stretched somewhat.

Woden, Weston and Tuggeranong are due to be undertaken next year and PALM will also be updating the ABS demographic analysis of this year's study of central Canberra, Belconnen and Gungahlin, using the 2000 year census next year. The information gathered will provide input to enable the planning process, the spatial plan, as well as the social planning process.

Boys education

MR CORBELL: Mr Cornwell asked me a question yesterday in relation to the ACT consultancy into improving the educational outcomes of boys. I am happy to provide the following information for Mr Cornwell. AJ Martin Research Pty Ltd was the successful tenderer for the Department of Education and Community Services consultancy project *Improving the Educational Outcome of Boys in the ACT*. The terms of reference for this project are: (1) to research the current practices and issues in the area of the education of boys; (2) to provide an analysis of what is currently happening in the ACT in regard to the education of boys; (3) to provide an analysis of ACT government schools data relevant to the educational outcomes of boys education; and (4) to produce a report on strategies for ongoing improvement of education outcomes for boys with regard to levels of schooling, retention and ways to improve their engagement with learning, and literacy and numeracy outcomes.

Dr Martin was originally due to report at the end of last year. That time frame has been extended to allow Dr Martin's research proposal to be implemented in full. He is using survey and ACT assessment program data to inform a qualitative process involving student interviews. Dr Martin is now expected to report mid-2002. Total funding available for this project is not expected to exceed $20,000.

Dr Andrew Martin has completed the first phase of the consultancy, which involves:

- a review of literature to provide a conceptual background to the issue;

- an analysis of ACT assessment program data for Years 3, 5, 7 and 9;

- administration of the student motivation scale, developed by Dr Martin, to 1,930 Year 7 and Year 9 students from eight government high schools in December 2001.

Phase 2 of the project includes the following work:

- two ACT high schools are to form the case study component of the project;

- several key education researchers are to be interviewed along with students and teachers. It has been recommended that this also include the ACT Parents and Citizens Council and the Australian Education Union, ACT branch.

The outcomes of this research will inform the ACT response to the House of Representatives Standing Committee on Education and Training inquiry into the education of boys. When the House of Representatives was dissolved prior to last year's federal election, its committees ceased to exist and the education of boys inquiry lapsed. A new standing committee has since been established and appointed, and new federal minister, Dr Brendan Nelson, has asked the committee to continue and complete the inquiry into the education of boys. The ACT has been invited to add or update information in the territory's earlier submission.

The ACT consultancy being undertaken by Dr Martin is expected to provide useful material to inform the work of the department and will hopefully provide additional material to add to the previous submission to the House of Representatives inquiry into the education of boys.

Annual reports
Papers

Debate resumed.

MR SPEAKER: There is a question still before the Assembly that has yet to be resolved, and that is that the Assembly takes note of the papers presented by the Chief Minister. The Chief Minister has already spoken so he will need to seek leave to speak again.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I seek leave to speak again.

Leave granted.

MR STANHOPE: I apologise—I temporarily mislaid my closing statement. Mr Speaker, this instrument is issued in accordance with section 15 of the Annual Reports (Government Agencies) Act 1995. The act provides the framework for 2001-2002 annual reports. The instrument includes the annual reports directions for this reporting year. Under the annual reports act, this instrument must be tabled, although it is not disallowable. While there are some mandatory requirements, the directions should be seen as setting the baseline for reporting. Because the directions cover a wide range of reporting bodies, they 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 all financial year reports must be presented to ministers by 8 September 2002. Ministers then have six sitting days in which to table reports. In order to have reports tabled as early as possible, all reports will be tabled during the 24-26 September 2002 sitting week.

Question resolved in the affirmative.

Papers

Mr Wood presented the following papers:

> University of Canberra Act, pursuant to section 36—University of Canberra—Report and financial statements, including Auditor-General's Report for 2001, dated April 2002.
> Annual Reports (Government Agencies) Act, pursuant to subsection 8 (5) (a—Canberra Institute of Technology—Report and financial statements, including the Auditor-General's Report or 2001, dated 11 March 2002.

Leave of absence

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

> That leave of absence be given to Mr Hargreaves for the period 11 May 2002 to 27 May 2002 inclusive.

Rugby world cup—matches in Canberra
Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms MacDonald and Mr Pratt proposing that matters of public importance be submitted to the Assembly for discussion. Ms MacDonald's matter of public importance, which was drawn by lot as is required by the standing orders, is:

> The importance to the Canberra community, Australian rugby, ACT sporting teams and ACT Tourism of Canberra's appointment as a Wallaby venue.

MS MacDONALD (3.40): Mr Speaker, I am today bringing this matter of public importance to the Assembly's attention for a variety of reasons. While Canberra rugby fans and sport fans generally will be eager to see the world champion Wallabies play a world cup game in Canberra during next year's tournament, there are a variety of other reasons that are really at the forefront of my mind when I discuss this issue.

I was extremely happy for Australia when the International Rugby Board (IRB) announced that they were accepting the bid by Australian Rugby Union (ARU) to be sole host of the 2003 world cup. While we were to get the lion's share of games as co-host with New Zealand, the complications that eventually saw the New Zealand Rugby Union unable to meet IRB requirements handed Australia another 23 games and sole-host status.

For those that are unaware of the situation, the New Zealand Rugby Union failed to guarantee a "clean stadia"—that is, grounds free of advertising and sponsorship—so that the IRB are able to control all ground advertising during the tournament. There were also other complications, such as the New Zealand Rugby Union's desire to play their local final series whilst the world cup was being conducted. Despite the IRB's rigid guidelines, the New Zealand bid was given tremendous leeway and the IRB was flexible on many points. The inability to provide "clean stadia" really saw the downfall of New Zealand's co-host status.

The Australian Rugby Union, through its concerted negotiations with local authorities around Australia, however, met every whim and requirement of the world cup organisers. For that, I congratulate them. They have shown professionalism and dedication to bringing this wonderful tournament to our shores. When it became obvious that New Zealand was falling into difficulties, ARU boss, John O'Neill, and his team swung into action and ensured that the world cup was Australia's alone.

Australian rugby fans are over the moon and Canberra rugby fans are salivating at the thought of some of the world's best teams playing here in the ACT. While it has been announced that Canberra's world cup assignment is likely to be about four games, it

seems that the Wallabies will not be amongst the teams that will play here in Canberra. I am sure all here share my disappointment and also my disbelief at that prospect.

When the draft draw is announced on 20 May, I have been told that it is probable Canberra will end up hosting one, maybe two, seeded teams. The remainder will be a swag of teams that would be hard pressed to match it against the Tuggeranong Vikings or the Royals. In fact, I am prepared to wager—and I don't usually wager—that the Tuggeranong Vikings would give half the teams in the world cup a good rugby lesson.

When I learnt of this situation, I embarked upon a campaign to get the Wallabies to Canberra for the 2003 world cup. I have tagged it the 'Wanna see a Wallaby' campaign. Those that can remember the 'Wanna be a Wallaby' campaign to promote junior recruitment about a decade ago will appreciate the title. For those of you that cannot, let me just say that it is hitting a chord with the rugby public. If the draw is announced and Canberra does not host the Wallabies, then I think a great injustice will have been done to Canberra's rugby fans and, indeed, the entire Canberra community.

I have raised my concerns with the Chief Minister, Mr Stanhope, and the sports minister, Mr Quinlan. They have both been supportive of my pleas and have taken swift action to lobby the ARU for a better deal for the ACT. I thank them both for their positive and quick action on this matter. I have also spoken to ACT Rugby Union chief, Mark Sinderberry, about this matter. He has been supportive, and I look forward to further conversations with him about how we can progress Canberra's cause in this matter.

I have written to John O'Neill and await a response. He has received a long and detailed list of why Canberra should be appointed a Wallaby host next year. I am hopeful that those many reasons, combined with public pressure from the 'Wanna see a Wallaby' campaign, will help to convince him.

You would all know that I have started a petition and I am appreciative that so many people from all sides of this Assembly have added their names to it. Mr Stefaniak was one of the first, and I am sure he will be encouraging his party colleagues to also lend their support. May 20 is looming and so the urgency to gather names and build momentum via public support is increasing. I intend to table that petition in the Assembly soon and it will act as a tangible measure of public support if the ARU needs to consider the level of ACT support for a Wallaby game.

A fortnight ago at Canberra Stadium I was literally swamped with people trying to add their names to my petition. For an hour before kick off at the Brumbies game I had people six and seven deep waiting to get to the petition. The dozen volunteers that assisted me that night were also overwhelmed. I could have collected many more names, but quite simply we could not keep up with demand. Hundreds of people have now participated in my email petition. There is an obvious demand from the Canberra public for a Wallabies world cup game.

The ACT Brumbies are Super 12 champions, as we all know. The Wallabies' captain, George Gregan, is a Canberra boy. So too are many of the longstanding Wallabies. Names like Stephen Larkham and Joe Roff have been the basis of Wallaby success for the last few years. I look forward to Joe Roff getting back into the Brumbies' and Wallabies' colours next year. Add to that names like Andrew Walker, George Smith,

Owen Finegan, Jeremy Paul, Pat Howard, Sterling Mortlock, and many more, and you can see just how dominant Brumbies players have been in recent Wallabies teams.

The Brumbies style of football is now the benchmark for the Wallabies team and other Super 12 contenders. Brumbies fans fill Canberra Stadium game after game and we have some of the best facilities in the world. We have already shown we can host international rugby with ease.

Let us look at some of the facts and figures when it comes to the Brumbies crowds. The capacity of Canberra Stadium is around 26,500. That is comparable with Ballymore, home of the Queensland Reds and host of international rugby. The average crowds at Brumbies games over the last couple of years compare more than favourably with the other Australian provincial crowds. In 2000 the average crowd was 15,800 over nine games. The largest crowd was 27,449—a sellout for the final. In 2001 the average was a massive 21,100 people over eight games. Again, the largest crowd was 26,271 in another sellout for the final.

So far this year, 2002, the average has been 20,700 for six games to date. The largest crowd to date is 22,971 but I would wager that that figure will be broken tomorrow night when the Canberra public come out in force to see the Brumbies play Auckland and win their way into another final series. That is an average occupancy of more than 75 per cent—probably a lot higher when the refurbishment is taken into consideration. My point is that the Canberra public is supportive of their rugby in a superior way to their northern counterparts.

The Super 12 tournament has showcased our superb facilities. Canberra Stadium is world cup ready. If rumours are true about Adelaide playing host to a Wallaby game, then they will have to get in and make some marked improvements to get their facilities up to the standards that the Canberra Stadium offers. Even Brisbane is in panic mode. Their games will be hosted at Suncorp Metway Stadium (Lang Park) as opposed to the usual venue of Ballymore. Suncorp Stadium needs, and is getting, a major face lift to be ready for the world cup and will have a capacity of 52,000 fans. That is fair enough, but my point is that Canberra is ready now. Stadium Australia holds 80,000 and Aussie Stadium about 40,000. Admittedly both are bigger than Canberra Stadium but we are comparing a city of 320,000 people to a city of four million people.

The emotion of this matter of public importance revolves around the Brumbies being the only Australian team to have won a Super 12 championship. They are, in fact, the only Australian team to have played in a final. My other point is that Canberra is home to one of the three Super 12 teams. It seems, therefore, ridiculous that the supportive Canberra public is being asked to forgo a Wallaby game when Adelaide is being considered as a host. As the national capital, Canberra can be a showcase to the rugby world.

I want to now outline some of the reasons that go beyond that initial emotion. The AIS in Canberra is home to Australia's and, indeed, many of the world's elite athletes. It would seem to show a lack of faith in such facilities and institutions if Australia's elite rugby players were not to play here. The AIS has produced world record holders, world champion teams and individuals. The ARU and the Australian and Canberra public should be supportive of the chance to showcase our facilities and programs at the AIS and continue to build and expand the success to date.

More immediate for the Canberra public, though, is the chance to snare some very important tourism dollars. Canberra will be showcased to the sporting world. 1.7 million spectators and well over three billion TV viewers watched the 1999 world cup—hence the IRB's desperate eagerness to control the commercial and advertising aspects of grounds and sponsorships. The immediate and direct advertising dollar will not go direct to the ACT. However, there are opportunities for us to seize Canberra's share of that three billion plus people TV audience. We are the nation's capital and the Wallabies, as defending champions, are sure to attract massive TV audiences. Usual exposures on the venues would see Canberra and the region promoted to a world audience. The potential to promote Canberra as a desirable tourist destination must not be led to slip through our fingers. The importance of the tourist dollar to the ACT cannot be underestimated.

I know that Mr Quinlan has led a strong bid for the ACT through negotiations with the ARU to hold pool games in the 2003 rugby world cup at Canberra Stadium. There has been strong competition from a number of states, including non-traditional rugby states, to host matches. The ACT's bid has been based on an objective budgeting process. This is another clear example of the Stanhope government's commitment to building jobs, particularly in the tourist industry in the post-Ansett environment.

No other national capital has failed to play host to the national team during previous world cups—except Canberra in the very first world cup in 1987. Other hosts and co-hosts since have had that privilege. Paris, London, Wellington, Edinburgh, Dublin, Cape Town and Cardiff have all had their national team play during the world cup. The oversight in 1987 to give Canberra a game can be rectified in 2003. Many things have changed since in 1987. As I have outlined, we now have a provincial team, our facilities have improved and, of course, there are now four preliminary games, not three.

The Canberra public is not being greedy. We are not expecting to have a final, nor host all Wallaby games. We do think, though, that for all the sensible reasons that I have outlined, a single preliminary Wallabies game in Canberra is reasonable, sensible and right.

The Canberra region will support the game. I know this because I have been contacted by people from Canberra, Queanbeyan, Yass, Wagga and as far away as the South Coast and Albury, all expressing support for a Canberra Wallaby game. A game in October or November during the world cup tournament will be a sellout. I hope to see broad support for my endeavours from other members in the Assembly and urge them to assist with my "Wanna see a Wallaby" campaign as they see fit. The important tourism dollars will help our bottom line and every dollar that is able to be attracted to Canberra will help overcome the economic mess inherited from the last government.

Logistical problems of organising tour packages, accommodation, games, schedules et cetera will be easily overcome as there is over a year till the tournament kick-off. There is no real reason that Canberra cannot share a preliminary Wallabies game with Sydney, Melbourne and Brisbane.

I just hope that the stunts that we have seen over the last two days of question time will not provide ammunition for those that wish to not have a Wallaby game in Canberra. I hope that Mr Pratt and Mrs Dunne are two of the first to support this MPI. If they can

stand here today and outline the positives of Canberra, Canberra Stadium, and our city as a national capital they will help improve our chances and help to repair some of the damage done here over the last two days.

Mr Speaker, a world cup is a rare event and one in Australia is even rarer. We have shown, as a nation, that Australia can host the world's best Olympics and I am sure we will be hosting the best ever rugby world cup. I hope the IRB and the ARU recognise that it is important and just that a Wallabies game be allocated to Canberra. The opportunity for Canberra to be part of the 2003 rugby world cup will allow us to once more share our great city with a global audience of billions. It will allow us to realise the many economic benefits that an event of this scale can bring and provide a lasting legacy for the development of rugby union in the ACT and surrounding region. A game featuring our world champion Wallabies can only enhance that opportunity.

MR PRATT (3.55): Mr Speaker, I rise to speak in support of Ms MacDonald's matter of public importance. I would congratulate her for proposing this matter and I would also congratulate her for the way in which she has mobilised the "Wanna see a Wallaby" program.

We support this MPI. We support the spirit in which Ms MacDonald has addressed this matter because we see that bringing international-level games to the ACT is important if we are to reach our sporting, business and tourism potentials. It is important to bring to Canberra international matches of the game they play in heaven. We cannot but help support the initiative that has been taken on such an imaginative venture.

I must say that I was a very early convert to the "Wanna see a Wallaby" campaign. In fact, a couple of Friday evenings ago, I too, like many Brumbies fans, was well and truly tackled by Ms MacDonald's husband outside the Canberra Stadium and encouraged to sign the "Wanna see a Wallaby" petition. I was extremely pleased to do that. I hope the campaign is able to pressure the Australian Rugby Union to ensure that significant international matches of the 2003 rugby world cup are played in Canberra.

Of course, Mr Speaker, we can see how important rugby is becoming here in the ACT. It has always been a significant sport at the community level. The success of the Brumbies in the last few years, their ability to entertain the ACT public, mobilise ACT public support and to do as well as they have done in Super 12 matches, clearly demonstrates the skills and the scope of ACT sport. For no other reason than simply that, the ACT deserves to receive significant international-level games during the world cup.

Mr Speaker, on Monday I was very fortunate to pick up some rather interesting news. I was fairly impressed by what I heard and I consequently put out a media release about an interesting scheme known as New Zealand footy flights. An organisation in the ACT has been able to put together a series of charter flights involving the flying of Kiwi rugby fans across to Canberra for games at the Super 12 level—certainly for games commencing on Friday and then beyond—and hopefully for world cup games next year. I look forward to seeing fanatical, obsessive Kiwi rugby fans invading the ACT and hopefully bringing a few NZ dollars with them. This is another venture that hopefully will be added to our creative programs of the future.

Mr Speaker, the work to attract more international rugby was commenced by the previous government in 1998 and my colleague, that old rugby warhorse, Mr Stefaniak, was fairly instrumental in that. It is terrific to see the present government carrying on that work and taking initiatives in this area.

I guess, of course, the only slightly sour note in all of this—and I have expressed concern ad nauseam—is the possible disruption caused by the Gungahlin Drive western route. Hopefully that will not be the case. I wish the government well. I hope the government can get that work cranked up so that we can ensure that our world cup events are run in a smooth and non-disruptive fashion. But be that as it may. Canberra Stadium is a world-class stadium which is capable of taking around 26,000 fans. Not too many stadiums of world-class standard can do that. It is something that we are extremely proud of. We, too, on this side of the house are proud to have been associated with the building and the development of that stadium.

Mr Speaker, ACT sport is dynamic and, like the performance of the Brumbies, performs beyond the scope of the demographics of the ACT. For that reason as well, the ACT deserves to receive world-class sporting activities.

In conclusion, I wish Ms MacDonald and her crew all the best with the "Wanna see a Wallaby" program. I am pleased to see that the Chief Minister and the government are willing to apply as much pressure as they possibly can to convince the Australian Rugby Union that international games of the level that we would wish and deserve to see should be brought to Canberra. Certainly, I will be supporting Ms MacDonald's program. We are very pleased to support the government in its endeavours to bring the Wallabies to Canberra not only for the 2003 world cup but for subsequent international matches as well.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.02): Mr Speaker, let me also congratulate Ms MacDonald on her energetic campaign and willingness to get out there and record the support of the community for the appearance by the Australian Wallabies at least once in Canberra during the world cup.

I guess it is unfortunate that the event will be governed by the monetary bottom line, possibly to the exclusion of considerations that might relate to the ongoing and dedicated support of the game in, amongst other places, Canberra. To some extent, this process has been, and remains, a bit of a blind auction, where the organisers anticipate that various jurisdictions will bid to try to attract games but, of course, they will not disclose what the going rate is and who is throwing the money around. One rumour I heard—I think it is a fairly strong rumour—is that Adelaide has thrown up a million dollars for participation in the rugby world cup. As much as we would like to be able to match that, I do not think that falls within the capacity of a territory this size.

So, unfortunately, the monetary elements of the process subsume the fact that the ACT is, at least, the number three rugby jurisdiction in Australia. It is with great delight that we regularly beat the Reds. Unfortunately, we did not beat the Waratahs last time but we might see them again in the next few weeks and the story may well be different.

We are set to play an important role. I cannot guarantee this at all, but generally the logistics of the world cup will mean that seeded teams will be placed here and there. All the nations will arrive and there will be various national caravans in the country. Somehow someone has got to design a process whereby games are played everywhere but gradually coalesce towards the finals, and it is very unlikely that we will be seeing a final in the ACT.

Teams will be coming out to Australia to acclimatise. I daresay that one or two or more teams will be looking to stay at the AIS, for example, to warm up, to get used to local conditions. There is a reasonable probability that at least one of the seeded teams will come to the ACT and probably then play at least two early rounds in the ACT. We might get two other games, but I think that is about the punting around town at this stage.

It does not include the Wallabies. I am sure if I offered the organisers something like $2 million or $3 million there might be a chance—it would seem to be about the only chance. The other chance is that the organisers will take notice of campaigns such as that which Ms MacDonald has initiated, where they recognise that they really do have an obligation to the dedicated supporters of Canberra and the region. The Brumbies have a very strong following outside of Canberra—in fact, a long way from Canberra. A good mate of my son who lives in Auckland is a Brumbies supporter. He is a Welshman who has lived in Auckland for quite some time. This very courageous man walks around Auckland and goes to the pub wearing a Brumbies jumper, which we sent him.

The rugby world cup is a premier world event. It is one of those events where you would certainly like to be part of the television audience. I think the 1999 world cup attracted over 1.7 million direct spectators and a world-wide television audience of 3.1 billion. Of course, that television audience did not watch all of the games and different games were beamed into different countries. Nevertheless, the less important games, of course, are not going to be beamed around the world. We would certainly like to think we would catch one or two that are beamed to other countries where there is a potential for tourism to Australia and particularly to Canberra.

I am hoping we do get the Wallabies, and I hope we also get teams from countries like England, Scotland, Ireland or Wales—the countries that have a big following. I remember that when the British Lions were here there was whole legion of supporters behind them. They were the best natured, happy-go-lucky bunch that you could meet. They came to this town, spent a big quid and displayed good humour. I hope whoever comes will do the same thing. I think the ideal fixture in Canberra would be Australia versus England in about the second round. That would be, I think, as good as we could hope for.

Let us hope that the organisers and the ARU—whatever influence the ARU has in this process—take into account not just the bottom line advantage that will accrue to them and international rugby but, in fact, the advantages that will accrue to the jurisdictions where the game is played. I cannot imagine, for all a million dollars, that Adelaide will get a spectacle. They will get a crowd and a large part of that crowd will be curiosity based. But I just do not see rugby union benefiting hugely from a considerable number of games being played at Adelaide simply because the South Australian government has been prepared to put up money.

There is some rugby union played in Adelaide, there is some rugby union played in Victoria. Victoria, because of its venues and because of its tendency to pay for large sporting events and wanting to display its image as a place where things happen, will probably acquire—I will use the term—a series of games. Nevertheless, I am not sure that there will be the same benefit to the sport as if decent games were played here in Canberra and were available to Canberran rugby supporters and supporters in the region. There is no reason why we would not get a lot of people coming down from Sydney if we had decent games as well, because Sydney is not that far away.

For our part, we have, through the Stadiums Authority and through the ACT Rugby Union, made representations that we think are appropriate. We have not charged headlong into a bidding war because we just know that in fact we are not in the million-dollar league for buying games. That is pretty well the way it appears.

These are the words that we have heard, and this might be the downside of it. It may well be that at the end of the day a balanced view will be taken that, of course, the thing must pay for itself, but having paid for itself then the next objective will be to the benefit of the code and as a reward to those people that support and administer the game across Australia.

With the successes we see occurring in the ACT, not only at the Brumbies level but with the Vikings knocking off the Queensland championship, having been drummed out of the New South Wales competition because of fear that the New South Wales rugby union might have to come to Canberra to visit their trophies, it has quite clearly been demonstrated that the ACT is a sound, solid rugby union region and should get some reward in return for that.

MR SPEAKER: I call Mr Stefaniak.

MR STEFANIAK (4.12): Thank you, Mr Speaker.

MR SPEAKER: I was thinking you might not even enter this debate.

MR STEFANIAK: Yes, I am going to, in fact. Might I congratulate Ms MacDonald for bringing this matter of public importance on, and might I also especially congratulate her for her inspired idea of trying to get the Wallabies here. As Ted Quinlan said, those sorts of things do help. Often there is not a hell of a lot that makes even the ARU sit up and take notice, but things like that do certainly help. The only other suggestion I suppose I could make, if Ted Quinlan has not already done so, is perhaps just to go and see the ARU. It may be too late to do so, but if you haven't it is worth a go.

I can recall, probably from the first Assembly, being very keen to get the national teams here to Bruce Stadium. I saw John Quayle and he promised us a rugby league test—he would not give us the State of Origin. I came away from Sydney with a gridiron match and something else, and we got some Gaelic football in the early days. But the first large-scale test matches of any of the major codes were in fact rugby tests. We have had a couple already.

Back in 1997 I can recall going to North Sydney with Mark Owens, who was then general manager of the Bureau of Sport and Recreation, to see the Australia Rugby Union. I must say they were quite frank and quite straight with us, which was good. They indicated that, yes, Bruce Stadium was a magnificent stadium and that the Brumbies were going very well—I detected they were somewhat surprised perhaps at how well the Brumbies were going because the ACT has always been the poor cousin compared with New South Wales and Queensland, but that is certainly changing.

They certainly conceded, "Right, it's about time you guys got something." I remember them saying, "All right, we'll give you something in 1998. It could be a double-header, and it'll probably be something like you'll play Tonga or Fiji or Samoa." I said, "Well, come on, how about a game a year for the next three years?" They settled on, "We can promise you two in three years, and maybe something like Argentina, Canada or the United States would be another game. Possibly we could give you Scotland but probably we'll leave that—it's very hard to take that away from Sydney or Brisbane."

I must admit they were true to their word, because in 1998 Australia did play Tonga in a world cup qualifier in Canberra—flogged them about 78 to 3, I think—and Fiji played Western Samoa. I recall that Fiji had got out of 15-a-side rugby, and I think that was the first time they had beaten another major island state for some years. They had been concentrating on sevens, so that game was fairly historic—and it was a very good game.

I also can personally recall being a little bit apprehensive because the Western Samoans brought out a Western Samoan old boys side, which the ACT vets played. I can remember on a Monday turning up at RMC oval and there were all these very large islanders hanging around. I thought, "Someone has made a mistake here. These blokes look like they are about 25 or 30; they look incredibly fit. Oh no, don't tell me we have to play them." I was then very relieved to see my old mate, Falamani Mafi, who had played with uni in 1992, back from Japan, representing Tonga in the second row. I knew full well that Mafi represented Tonga so that must be the Tongan national side, and I breathed this huge sigh of relief.

I went up and had a good chat to Mafi and then saw a more elderly team from the islands come out, some with grey hair, some of them more podgy perhaps than their younger counterparts from Tonga. I thought, "That's the mob we're playing." Sure enough, that was the case and we had a very good game. I don't remember the score—it is always 9-all in veterans games. I do recall, however, pulling a hamstring, thinking that if I ran fast and backed up the number 8, he would get tackled on about the 22 and I could score under the posts. I had gone about 20 metres and pulled a hamstring. I can recall getting rather bad looks from my cabinet colleagues as I hobbled into cabinet with an icepack that afternoon.

However, the staging of the games at Bruce Stadium was very successful. Australia, of course, went on to win the world cup in 1999. In 2000, we had a test match with Argentina. It was not a great spectacle as a game, but again it showed how well Canberra can host international sporting events, international rugby events. Australia won that game before a crowd of over 20,000 people. The ARU were very happy with that game because, basically, they did not think they could have got a bigger crowd elsewhere. Again, they were very happy with Canberra as a venue.

I hope that Ms MacDonald is successful in her campaign. It would be wonderful even to get a game at Canberra Stadium early in the tournament in which Australia plays a lower ranked side. Even if that does not happen, we should try.

Ms MacDonald is absolutely right to try, and, again, at least it will make the ARU sit up and think. Just in case some people outside of the ACT think otherwise, it will reinforce the fact that there are three major forces in Australian rugby—Sydney, Queensland and the ACT. It will reinforce the commitment of ACT rugby supporters and, indeed, the commitment of the government of which Ms MacDonald is a member, to getting quality games for Canberra and getting the Wallabies here if at all possible. So I think what Ms MacDonald is doing is most important. I was delighted to sign her petition. Indeed, I am sure that any of my colleagues who have not signed the petition will be absolutely delighted to do so. I wish Ms MacDonald well with that.

I think Mr Quinlan is probably right in saying that you do not throw money in an effort to get events. I think we have an excellent venue which is easy to get to. We have good accommodation and Canberra is a great place for people to visit. I don't think we necessarily need to throw money. We have certainly spent a lot of money on our venue and often such expenditure is not necessarily counterproductive. I know we did not spend any money to get the two Wallaby tests in 1998 and 2000. It was just as a result of lobbying and the strength the Brumbies were showing on the paddock, which has certainly been even more enhanced since then. Those are the sorts of things that I think will make them sit up and think.

I think the ARU knows that it has a really good thing going in Canberra, that Canberra really has helped Australian rugby. In fact, in 1997 I can remember telling them, "Look, because of those players who have been developed so well by the Brumbies, we have increased by 10 per cent the strength of Australian rugby, and that may well be enough to win us a world cup." Well, it did and I think the continued strength of the Brumbies in the Super 12 competition does ensure that Australian rugby is constantly strong. If you took them away, the standard in Australian rugby would drop considerably because fewer players would have the opportunity to play at that high level.

The Brumbies are certainly a Canberra icon. Being an old rugby man, I am rather proud of our community. I am amazed how quickly non-rugby people have picked up the game and how quickly they can in unison, right around the ground, pick a refereeing mistake. Rugby is a pretty technical game but our crowds are really good. They can quickly pick some obscure mistake the referee makes and give him curry, which is exactly what should happen. Again, I think an Adelaide crowd or a Melbourne crowd would not necessarily have a clue what was going on.

Last year I went down to see the Lions and Wallabies match in Melbourne and it was a fantastic spectacle. It was wonderful to see the very loud Lions spectators rather silent after half time when Joe Roff got two quick tries and their team started losing for the first time. It was also interesting to see a very enthusiastic Australian crowd. However, quite clearly some were at the match just to watch. They were not really too sure what was happening on the field but they certainly could read the scoreboard, and Australia was winning. The Canberra crowd is a bit different to that. It is well educated and it really knows what the rules of the game are. As well as generally being a very strong sporting community, we are a very strong rugby community.

Finally: well done, Ms MacDonald. Good luck with your petition. I hope you can get to a five figure number—that would be absolutely wonderful. My congratulations to you for placing this particular matter of public importance on the notice paper today.

MRS CROSS (4.21): I echo the eloquent sentiments expressed by my colleague, Mr Stefaniak—

MR SPEAKER: You are not going to try to repeat the reminiscences, are you?

Mr Stefaniak: She actually played when the Assembly beat the Canberra media last year.

MRS CROSS: I was the only female candidate that had the courage to play for the Assembly, and we won.

MR SPEAKER: Tell us about it, please!

MRS CROSS: It is riveting. I would like to congratulate Ms MacDonald.

MR SPEAKER: Can you tell the difference between the fronts and the backs?

MRS CROSS: Can I just say I nearly scored a try in that game. I did quite well for a newcomer. Ms MacDonald, I congratulate you on proposing this matter of public importance. I think that your petition in particular is a wonderful initiative. We will be lining up outside your office to make sure you have got all our signatures. My apologies for not having done so, but I have been away.

Mr Speaker, the most important aspect of this debate is that Canberra would be able, with just a few minutes notice, to host a world cup match that included the Wallabies. Canberra Stadium is a world-class stadium in every way, thanks to the former Liberal government. The corporate facilities, spectator viewing areas, concession stands and dining rooms are all first class. Player facilities are also second to none. The sometimes joked about playing surface is, in all reality, among the very best in the world. Players and officials the world over confirm that fact.

So we could hold a Wallaby match in the rugby world cup if required. We have hosted the Wallabies before and could easily do so again. It would be a pleasure to have them here again. Fortunately, we are going to host some of the rugby world cup matches and I hope, for Canberra's sake, we get some of the better matches. Once again, I commend and congratulate Ms MacDonald on her MPI and this initiative.

MR SMYTH (4.23): Mr Speaker, this is definitely a matter of public importance because it is about rugby. I think what we have seen happen in the ACT over the last 25-odd years in the development of rugby is quite astounding. I can remember that in 1978, I think it was, Wales came to the ACT and the ACT caused Wales to have its blackest day ever because we beat them. I think a capacity crowd of 10,000, 12,000 or maybe 15,000 people was crammed into Manuka Oval.

World-class facilities in the ACT allow us to host events as diverse as Olympic soccer and Australian rugby test matches, such as the one we played against Argentina. We have the potential now to host the rugby world cup matches. I think we are able to do that because of the foresight of the previous Liberal government. We have an excellent facility and everyone who uses it tells us that it is very good. The feedback from the Japanese Olympic contingent was that it was a delightful area to play at. They were very pleased with it.

I think one of the assets of the Canberra Stadium is its ease of access. For instance, when the Brumbies played the Lions, people found it quite easy to come down from Sydney to watch the game. Games that are played here can be watched by people not just from Canberra and the region—I know that people from the region support the games that are played here—but from as far away as Sydney, if not further, and that is important.

The other thing that has grown recently—and I would like to bring this to the attention of the Assembly, using rugby as a theme—is aviation services. You might think this is a strange approach, but Canberra International Airport is trying to negotiate services with various New Zealand cities to make sure that there are direct flights to Canberra when the Brumbies play New Zealand teams at Canberra Stadium. It is a nuisance and very expensive to have to travel by the normal route from, say, Auckland or Wellington to Sydney to Canberra. I would like to congratulate Steve Byron and the people at the Canberra International Airport for their efforts in trying to make the international airport work so well—and good luck to them in that regard—and also trying to use it as an avenue to get people to Canberra Stadium. They are doing tremendous work in that regard as well.

Mr Speaker, I am not sure which of my colleagues are going to the launch this evening at the Irish Ambassador's residence of the book *First Fleet to Federation: the Irish Supremacy in Colonial Australia.* Perhaps those of us who are going might take the opportunity to whisper in Richard O'Brien's ear and say what a lovely spot Canberra would be to host the Irish team. I think they would fit in here rather well. As Mr Stefaniak has pointed out, the Lions certainly came and made themselves at home and it would be spectacular to have a team like the Irish or the English, or any of the other major teams, base themselves in the home of the Brumbies.

Canberra, as home of the Brumbies, has proven that a region like the ACT can produce outstanding rugby teams. Home-grown kids have come up through the ranks—through teams such as Royals and Tuggeranong. Schools like Eddies, Marist and Phillip College have produced some outstanding Australian internationals. As we all know, the current Australian captain is a St Edmunds boy; so well done, George Gregan.

Our young rugby players and all our young sportsmen and women should be allowed to aspire to the highest level of the game they are involved in. My twin daughters, when they were about 10 or 11, played in an all-girls rugby team in the mid-week schools competition in Tuggeranong. Each year they got to the grand final but unfortunately they lost. But they had local heroes who were playing the best rugby in the world at the highest levels in the world—provincial Super 12 level and then at the Australian level. It is incredibly important that you are able to see your heroes play, score tries and kick goals. That is why it is so important that a city like Canberra, which is part of the great

trilogy of rugby playing cities in this country—Sydney, Brisbane and Canberra—get an Australian game here.

Ms MacDonald has based her great initiative on the "Wanna be a Wallaby" campaign. I think that is a very smart move. It really strikes a chord with people who know about that campaign and understand what it was trying to achieve. They understand the passion and the emotion associated with young boys wanting to be senior Australian players. The world cup will give young Canberrans in particular the opportunity to see their heroes play.

My preference would be for an Australia/Ireland game or an Australian/England game. However, it would be tremendous to see some of the other established teams such as the French, Italians, Scots or Welsh play here. It would be tremendous to see the Kiwis play here. Events such as this help to keep the fires burning for junior sport. I think we all have concerns about the fitness of our kid. We need to make sure that they all get the opportunities they deserve. They need to be encouraged to participate and to get out and play.

We have the infrastructure here to hold world cup games. The Brumbies' management is doing particularly well. They were well supported by the previous Liberal government in this place and I would urge the current government to continue that support so that our kids can watch people that they can aspire to emulate. Elite sport often gets a bit of a bagging. We are told that we should not be just looking at elite sport. However, I suspect you have to take into account the whole spectrum and you need the inspiration that is provided by elite sport. Whether our juniors live in Curtin or Calwell, they need to have their heroes.

Canberra has a Super 12 team that I suspect many people thought would not do well or would not survive. I think they were all stunned when we did so well. The Kookaburras did well until they got kicked out of the Sydney comp. The Vikings are now doing very well in the Brisbane comp. What all this says is that Canberra is a rugby powerhouse. Our base and our strength is our juniors. Our kids can move up through the ranks and eventually play for a team like the Brumbies in front of their home crowd.

So we need to be working towards being given the great opportunity of Canberra hosting world cup games. We have got the Brumbies and we have got the infrastructure in Canberra Stadium. What people may not know is that at the Vikings facility at Wanniassa we have one of the top-rated playing surfaces in Australia—indeed, somebody told me they thought it was in the top 10 of playing surfaces in the Southern Hemisphere. It is a spectacular surface.

The Valley Vikings are to be congratulated for the way they plough their money back into the community. They do lots of general work as well, such as supporting schools. Everywhere you go you see representatives of the Vikings handing out money on behalf of the club. They have poured a lot of money back into rugby and they have a wonderful facility. So we do not just have Canberra Stadium. We have world-class backup facilities that can be used by any team that wants to station itself in Canberra. Visiting teams might learn a little from our locals teams and I am sure that we would be looking to learn a little bit from them as well.

We have an international airport which provides us with the opportunity to bring people here on charter flights. That, of course, then flows through into all of the economy. The tourist sector would benefit. The AIS has rightly pointed out that they would benefit. All of the other tourism venues—the hotels, the bars, the cafes, the restaurants, the pubs—would benefit from having world cup games played here. But the benefit would be greater if a Wallaby game was played here. That would help bring the city together to celebrate, to back rugby and to barrack for our heroes.

So if members are off to the Irish Embassy tonight, make sure that you have a chat with Richard O'Brien. Whisper in his ear or the ear of anybody else that you can get hold of and say, "Wouldn't Canberra be a nice place for the Irish team to station themselves?" I wish Ms MacDonald well in her collection of signatures because it is important that we host these games.

Representatives of the ARU to whom I have spoken said that the atmosphere at Bruce in some of the final games that we have been involved in recently was just electric. The feeling, the noise, the reverberation across the stadium when the chant went up for the Brumbies, are to be marvelled at. All of this is a true expression of the spirit of this city. People who say that we have no heart, that we have no soul, should go to a Brumbies game, because we do and we will express it even more so should we get an Australian game.

MRS DUNNE (4.32): I rise to support this matter of public importance because rugby and sport are important to the spirit of Canberra. One day when I was sitting at the top of bay 11 in the Meninga Stand looking down at Brumbies match, I remarked to the person sitting beside me, "Look how many people are wearing Brumbies caps." The person said, "You might talk about social capital but that's social capital at work." Every time you go to a match at Canberra Stadium—whether it is a rugby match or a rugby league match—you feel the spirit of the Canberra people in supporting their team. That is social capital at work.

Ms MacDonald's initiative to ensure that Canberra hosts world cup games is important. I have signed the petition and I have made sure that members of my family have also done so. The initiative is very important in building spirit in Canberra. It is a spirit that will have many benefits and spin-offs. We, as a community, should be supportive all the way along the line of whatever is reasonable. We should not be doing things that get in the way of having a very successful world cup in Canberra.

I echo the sentiments of Mr Smyth when he talks about the strength of the juniors and the pride and the enthusiasm that comes up through the junior rugby ranks and the junior rugby league ranks. The Brumbies, the Vikings and the Kookaburras have been given great support in this town, and that support should be encouraged. Good luck to the Brumbies on Friday night, and we hope that soon you will have Joe Roff back in your ranks.

MR SPEAKER: Order! The discussion has concluded.

Parliamentary privilege—examination of documents

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.35): I seek leave to move a motion which has been circulated in my name.

Leave granted.

MR WOOD: I move:

> That, in relation to the inquiry being undertaken by the Australian Federal Police that was the subject of the resolution of the Assembly of 7 March 2002 regarding the disposition of certain documents, the disposition of other documents relevant to the inquiry (a) seized from InTACT by the Australian Federal Police pursuant to warrant on 7 May 2002, and (b) provided to the Australian Federal Police by witnesses in the matter, be dealt with in the same manner as set out in the provisions of paragraphs (2) to (7) of the resolution of the Assembly of 7 March 2002 as if, in relation to:
>
> (1) documents in paragraph (a) seized from InTACT, a reference to Mr Humphries in paragraphs (4) and (5) of the resolution of 7 March 2002 was a reference to the officer or officers of InTACT from whom the documents were seized; and
>
> (2) documents in paragraph (b) provided by witnesses, a reference to Mr Humphries in paragraphs (4) and (5) of the resolution of 7 March 2002 was a reference to the witness or witnesses who provided the document or documents to the Australian Federal Police.

Mr Speaker, this motion is self-explanatory. I will say no more than that.

Question resolved in the affirmative.

Adjournment

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

> That the Assembly do now adjourn.

Mr Mark Latham

MRS DUNNE (4.35): Mr Speaker, I refer back to last night's debate in this place, when Mr Quinlan lauded and praised his federal colleague Mark Latham—and his extraordinary defence of him against one of the most despicable personal attacks I have heard on anyone in public life.

Whilst I feel aggrieved for Tony Staley in bearing the brunt of this verbal thuggery, the person I feel even sorrier for is Mark Latham. I have always held a grudging regard for Mr Latham and his intellect. He is a rare character, a politician courageous enough to question even the conventional wisdom of his own party. He is a man of ideas, not all of which I support, but most of which I read with interest. Now he has committed political suicide—because a man with so much to say will not be remembered as a thinker,

visionary or reformer, but as a political thug, who makes disparaging remarks about a man who, through a terrible, life-threatening accident, is forced to walk on sticks.

Is this to be Mr Latham's epitaph? It is a pity, and Australia will be the poorer. Will he be remembered as a man who kicks cripples, a man who stoops to attacking a man of courage and decency, who lives each and every day in acute pain and extreme discomfort? It is sad to see Mr Quinlan so ready and willing to laud this deplorably low act in Australian public life.

Commonwealth Parliamentary Association

MR CORNWELL (4.37): Mr Speaker, I refer to an ongoing debate in relation to the Commonwealth Parliamentary Association. Ms Tucker, in response to some remarks I made on Tuesday night, responded last night with a statement on which I am seeking clarification.

She stated in her response that the regional representatives—Ms Tucker is one—shall maintain close liaison with the branches of the region and consult with the branches of the region, keeping them informed of developments within the association, and carrying out responsibilities in accordance with the by-laws. The by-laws stipulate certain specific responsibilities for regional representatives to liaise with branches of the region.

I raise that to clarify my role. I will be reporting to all branches of the Australian region, as well as to the region's management committee in July. That reporting could include the ACT branch.

I am not clear as to whether the reporting will be carried out only at the region's management committee in July or whether the responsibility of regional representatives, in maintaining close liaison with the branches in the region, involves reporting to the individual branches of that region. I seek clarification of that matter—not necessarily today or tonight but, I would hope, at next Tuesday's sitting.

Treasurer—bet with the Leader of the Opposition

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.39): Mr Speaker, I rise to inform the house that I do owe Mr Humphries a bottle of cheap red.

We were debating the increase in conveyancing. It has increased by some $40 million over budget. My mistake lies in the fact that I was working only from 2 October figures, because already the past government had taken up $20 million of it. However, a bet is a bet, and I will pay. It has also been diluted by some decreases in estimated payroll tax. The estimate for next year is considerably lower than the estimate for this year. On the words used, I do owe a bottle of cheap red.

Death of Mr Brett Muir

MRS CROSS (4.40): Mr Speaker, I refer to the recent death of one of my Phillip traders—Brett McCawley Muir—who died at the age of 42. Brett Muir was known in the Canberra community as a great humanitarian, a very shrewd businessman, and one of the greatest assets of the Phillip Traders Association. I want to pay tribute to him.

When Brett passed away unexpectedly, I was in East Timor and, unfortunately, was unable to attend his funeral. I understand the funeral, in the ACT, was attended by some 500 people.

Brett Muir became a very popular identity in PALM. He was a bit of a thorn in Mr Corbell's side during the issue of the Callam Street realignment, but was a very likeable fellow, in many ways. He had a very big heart. He had great dedication, and a spirit that has left a gaping hole in the Phillip business district. Hundreds of people around Australia sent their condolences to his parents.

Brett was found dead while his family were away. Most of us did not know that he was an epileptic, and suffered from a brain aneurysm. He will be sadly missed. I will read out a poem that was read at his funeral entitled "Bert for the shirt".

> A brother I have had,
> a brother I have loved.
>
> A simple man with
> a single plan he was.
>
> "Enjoy little brother"
> He was heard to say
>
> "Have fun now and forever.
> Life is short let's keep it sweet
> Then we'll meet up in another".

And his parents extended this wish:

> Thank you all for being here to share an unforgettable moment that will see you all deep in our hearts forever.

Brett Muir left some very fond memories in our hearts and minds, and we will always remember him. As the former president of the Phillip Traders Association, and someone who worked with him on a number of issues for the benefit of the Phillip business district, I hope his soul rests peacefully.

Hotel, catering and restaurant industry

MR SMYTH (4.42): Mr Speaker, I rise to acknowledge the contribution of the hotel, catering and restaurant industry to the territory and its economy. Restaurant and Catering ACT held its annual awards on Monday night. I think it is worth mentioning some of the restaurants that have done particularly well.

Mr Quinlan: Who was there?

MR SMYTH: Mr Quinlan asks who was there. The question should be: who was invited? I know Mr Quinlan was there—I was going to mention that. Mr Quinlan gave a speech and, apparently, Ms MacDonald appeared as well. I know who was there. I notice they have not risen to praise the tourism industry in this case—nevertheless, it is important to acknowledge people.

The Chairman and Yip won restaurant of the year; the Hyatt won caterer of the year for their catering at Parliament House, Canberra; and the Canberra Southern Cross Club won best restaurant in a club for La Cucina.

The best restaurant in a hotel award went to the Brindabella Restaurant. The best Thai restaurant award went to the Thai House in Weston. The best seafood restaurant award went to The Fisho Cafe at Kingston; best tourism restaurant went to Grapefoodwine at Lake George—and well done to them.

Then there is something that I know is dear to Mr Quinlan's heart, given that he is going to have to sacrifice one of the bottles from his precious collection. The best wine list award went to the Caffe Della Piazza in Canberra City.

The awards go on to something that I think is even better, given the motion moved by Ms MacDonald here today and so heartily seconded by Mr Pratt—that is, the apprenticeship awards. I believe it is important that we understand the number of options presented to young people through our restaurants, hotels and cafes. That is where many of them often get their first job opportunity.

In the apprentice cookery competition, first-year apprentice, first place went to Lauren Sime, of the Juniperberry, Parkes; second place went to Owen Scungio from the Hyatt Hotel Canberra, Yarralumla; and third place went to Bernd Brademann at Legends Spanish Restaurant in Manuka.

With the second-year apprentices, first place went to Gerard Viccars at a Foreign Affair in Manuka; second place went to Benjamin Swinbourne at the Rubicon in Griffith; and third place went to Ashlee Delander, at a Foreign Affair in Manuka.

For the third-year apprentices, first place went to Danielle Gough at the Hyatt; second place went to Dominique McKinnon at the Rubicon, Griffith; and third place went to Dean McCrae at Casino Canberra.

With the fourth-year apprentices, first place went to Emily De Luca at Barocca Cafe, Canberra.

In the food and beverage traineeship competition, first place went to Sarah Prendergast at Bella Vista Restaurant in Belconnen; second place went to Catherine Gum at the CIT, Reid; and third place went to Andrew Starick at the City Club in Canberra City.

Mr Speaker, it is important that we acknowledge these awards. They are jobs that, hopefully, will give these young people the skills they need to get through life and hopefully it will bring us the next crop of restaurateurs.

One restaurant I will mention in closing is Washoku in Tuggeranong, the winner of the Japanese restaurant award. If you like tempura prawns, that is the place to go. For Japanese food, that is my favourite restaurant.

Chief Minister

MS DUNDAS (4.46): Today, in question time, the Chief Minister took a lot of time to inform us how busy he is and what a full schedule he has. I would not deny that, as Chief Minister, he does have a busy time. He then listed his responsibilities as Chief Minister, Attorney-General and Minister for Health. I point out that he again forgot that he is also Minister for Women—and I find this disappointing.

I am also disappointed that, as Minister for Women, he used the term "dollying" when referring to the Leader of the Opposition. My dictionary has two definitions of "dollying". One refers to mining, which I am sure is not the way in which Mr Stanhope was using it. But the other one is a colloquial verb relating to a dolly bird, which is a not-nice term around women. I am disappointed that, as Minister for Women, he would use such a term in this chamber.

Question resolved in the affirmative.

The Assembly adjourned at 4.47 pm until Tuesday, 14 May 2002, at 10.30 am.

Answers to questions

Playgrounds—guidelines (Question No 121)

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to the Department of Urban Services' guidelines for playgrounds:

(1) What guidelines does the Department of Urban Services use for determining the location of children's playgrounds near lakes and ponds.

(2) How were these guidelines developed in relation to the safety of young children playing near water.

(3) What are the (a) locations of children's playgrounds in Canberra that would be within 50 metres of a lake or pond, and (b) what distance would these playgrounds be from the water.

(4) What incidents have been reported over the last 5 years of children getting into difficulty in the water near these playgrounds.

Mr Wood: The answer to Ms Tucker's question is as follows:

There are approximately 450 playgrounds in the ACT and as the city expands more are being installed. All playgrounds are, and have been, installed in accordance with the relative Australian Standards available at the time. Since 1991 the ACT government has been progressively upgrading playgrounds identified as requiring refurbishment to meet the current standards.

The answers to each part of the question are as follows:

1. When siting playgrounds in the ACT, the Department of Urban Services adhere to Australian Standards AS 1657, AS 1924.1 & .2, AS/NZS 4422 and AS/NZS 4486 and incorporate the guidelines from Section 15 of the ACT Government Standard Specification for Urban Infrastructure Works. These guidelines have been prepared to provide additional information and guidance on the design requirements and safety standards for playground facilities on land owned and managed by the ACT government. Where there are irregularities between the documents, the option with the safest outcome is to be adopted as required on a site-specific basis.

Variations from or additions to the Australian Standards within these guidelines are the result of:

- accounting for environmental conditions specific to the ACT region
- ACT planning requirements for the allocation and location of playgrounds
- planning for age appropriate play equipment in ACT open space
- using accumulated knowledge to target high-risk accident and injury types that occur within children's playgrounds that are not currently addressed in detail by the Australian Standards.

2. The guidelines comply with site selection criteria contained in AS/NZS 4486.1:1997 Clause 7.2.3.3 point i). In addition to this the playground sites have been selected in accordance with the ACT Government's Standard Specification for Urban Infrastructure Works, Clause 15.6.5 - Play equipment in open space shall have the following setbacks:

- 10 metres from the edge of a building or major structure
- 20 metres from adjoining residential property lines, the edge of any local road or car park pavement area (some existing playgrounds may be closer)
- 30 metres from distributor road pavements (where existing playgrounds are closer a playground safety fence meeting Australian Standard AS 1926.1 for pool fences is required)
- 20 metres from hazards such as stormwater drains, bike tracks and playing fields.

3. The following schedule illustrates that; (a) eleven playgrounds in the ACT are located within 50 metres of a lake or pond; and (b) the actual distance of these eleven playgrounds from a particular lake or pond.

Playgrounds Near Lakes /Ponds

Playground Location	**Distance**	**Lake/Pond**
Point Hut Pond	42	Pond
Lake Tuggeranong	26	Lake
Lake Tuggeranong East	23	Lake
Eddison Park	29	Pond
Weston Park – Maze	35	Lake
Weston Park - Tree house forts	4	Lake
John Knight Park	2	Concrete Pond
	32	Natural Pond
David St – O'Connor	26	Pond
Diddams Close - Aikman Drive side	13	Lake
Diddams Close - Coulter Drive side	11	Lake
Diddams Close - Coulter Drive side (Swings)	25	Lake

Note: Measurements taken from edge of softfall area nearest to lake or pond.

***NOTE**: There is no reference in the Australian Standards to a specific distance a playground should be from a lake or pond.*

4. Nil.

Water usage
(Question No 122)

Mrs Dunne asked the Treasurer, upon notice, on 9 April 2002:

In relation to water usage:

(1) Has ACTEW undertaken an audit of water usage in the Territory.

(2) If so, can you advise who are the top 20 consumers of water in the Territory.

(3) What steps are being undertaken to ensure more economical and efficient use of water by consumers.

(4) What efficiencies are already being achieved in this regard.

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

(1) I have been advised that the use of water in the Territory was audited in detail by ACTEW in 1994/5 as part of the development of the ACT Future Water Supply Strategy. The results of this audit have been widely published. ACTEW has advised that this information is still representative of current water usage patterns in the Territory. There have been no recent detailed audits undertaken.

ACTEW also conducts an annual review of water consumption which includes the amount of unaccounted for water such as non-revenue water and system leakage. ACTEW is required as a condition of its Utilities Services Licence to submit a wide range of water utility benchmarking information for publication by the Water Services Association of Australia. I note that in the WSAAfacts 2000 publication the level of unaccounted for water in the ACT is one of the lowest in Australia.

(2) All water used in the Territory attracts a water abstraction charge under the *Water Resources Act 1998* which is administered by Environment ACT. ACTEW is the highest volume licensed water abstracter followed by golf courses and commercial garden centres located at Pialligo. The water abstracted by ACTEW is mainly used for domestic and commercial purposes by ACT and Queanbeyan households and businesses. ACTEW is unable to provide details on the individual users of the water it abstracts because of the requirement of the *Privacy Act 1988 (Cth)* which have been prescribed under subsection 51(3) of the *Utilities Act 2000*. Anecdotal evidence indicates that the major consumers of water abstracted by ACTEW are Government Departments such as Urban Services and Education and the National Capital Authority. Other major consumers would most likely include Parliament House, the Australian National University and the University of Canberra.

(3) The Government, through licensing conditions under the *Utilities Act 2000*, requires water service providers to encourage and promote the efficient use of water by customers.

I am advised that ACTEW has published a range of information relating to efficient water usage. Relevant information is available on the ACTEW website or as brochures. The information covers:

efficient water use in domestic irrigation systems;
water meter reading;
looking for leaks;
rebate for installation of rain water tanks; and
use of water efficient garden design, plant selection and irrigation systems.

The Government, in conjunction with ACTEW, has promoted a research trial relating to domestic waste water treatment and water recycling through the Domestic Wastewater Reuse Trial. There are five trial sites in suburban ACT.

The previous Liberal Government agreed to the introduction of a split tariff based on volume of water consumption with the objective of lowering the increment point annually until it reaches approximately 175kL, which represents the estimated average annual internal household consumption. Currently customers pay a fixed connection fee of $125/year plus $0.56/kL for the first 225kL consumed and $1.04/kL for consumption in excess of 225kL. The usage charge includes the ACT Government water abstraction charge of 10 cents per kL.

Other initiatives by the Government and ACTEW include:

the development of an active leakage management pilot project by ACTEW to monitor water reticulation piping systems for leakage;
the introduction by ACTEW of a school education information kit relating to efficient water usage. This program is available via the ACTEW web site;
the commencement of a large scale water meter replacement program of approximately 10,000 meters per year by ACTEW to ensure all water is accurately metered and customers pay fairly for usage;
the introduction of mandatory building regulations in the early 1990's that have required the fitting of low volume (2/6L) dual flush toilets on all new and renovated toilets;
the promotion by the Department of Urban Services (DUS), in conjunction with the Master Builder's Association, of low volume shower roses; and
the reduction of water usage by DUS through introduction of computerised water management systems for irrigated landscape areas on Territory land.

(4) I am advised that since the introduction of full payment for usage of water in 1992/3 and other water usage reduction initiatives, Canberra's summer bulk water supply demand rate has dropped by approximately 20% when the effects of climate variations are taken into consideration. On a peak summer day, the consumption appears to be about 40% down from that experienced in the 1980's, and this reduction appears to have been sustained over the last 10 years.

Men's Accommodation and Crisis Service (Question No 123)

Mr Stefaniak asked the Minister for Education, Youth and Family Services, upon notice, on 9 April 2002:

In relation to the letting of the Men's Accommodation and Crisis Service (MAACS) contract:

(1) Under the guidelines as set down by the Department of Education, list the names of those persons nominated as referees.

(2) What was the purpose of nominating those referees.

(3) As of 28 February 2002, were any of the nominated referees interviewed, and if so state the dates and times they were interviewed, and if not, why not.

Mr Corbell: The answer to Mr Stefaniak's question is:

(1) The department's guidelines in relation to the treatment of referee reports was outlined in the *Tender Evaluation Plan - An Accommodation And Support Service for Homeless Men and Their Children* (Section 8.8.4 Overall Assessment, page 11). The Evaluation Plan states that the "nominated Referees of the preferred tenderer" would be contacted.

The nominated referees for the successful tenderer (Canberra Fathers' and Children's Service CANFACS) were:

- The Manager, Domestic Violence Crisis Service; and
- The Assistant Secretary, Family Relationships Branch, Commonwealth Department of Family and Community Services.

(2) As outlined in the Evaluation Plan (S8.8, page 11) "additional information may be sought to confirm the veracity of the tenderers claims against the Evaluation Criteria".

(3) The Chair of the tender panel contacted the Manager, Domestic Violence Crisis Service and the Assistant Secretary, Family Relationships Branch, Commonwealth Department of Family and Community Services by telephone on 21 December 2001.

Skills 500 program
(Question No 124)

Mr Stefaniak asked the Minister for Education, Youth and Family Services, upon notice, on 9 April 2002:

In relation to the Skills 500 Program:

(1) Who was awarded the contract for the advertising campaign.

(2) What is the term of the contract.

(3) Was the contract subject to a tender process.

(4) What is the term of the advertising campaign.

(5) What was the cost of the advertising campaign.

(6) How many advertisements are there.

(7) What is the length of time for each advertisement.

(8) What media outlets run the advertisements.

(9) What are the timeslots for the advertisements.

(10) Have there been any complaints about the content of the advertisements, if so (a) how many complaints have been received, and (b) detail the nature of the complaints.

(11) As at the 31 March 2002, how many people have signed up for an (a) apprenticeship, and (b) a traineeship.

(12) What are the qualifications to receive funding for taking on (a) an apprentice, and (b) a trainee.

(13) What are the qualifications for training for (a) an apprentice, and (b) a trainee.

Mr Corbell: The answer to Mr Stefaniak's question is:

1. The primary campaign involves two discrete elements, a broad based multi-media campaign awarded to Ideas and Directions and a targeted marketing campaign awarded to Caloola Farm.

2. The broad based multi-media campaign (Ideas and Directions) contract began on 7 February 2002 and will end on 30 June 2002. The targeted marketing campaign (Caloola Farm) contract began on 26 February 2002 and will end on 30 June 2002.

3. The procurement process was in accordance with the ACT Government Procurement Act 2001. In the case of the broad based multi-media campaign three quotes were sought from suitably qualified organisations. In the case of the targeted marketing campaign, a request for tender was advertised on the ACT Government BASIS network.

4. The broad based multi-media campaign runs from March to May 2002. The targeted marketing campaign runs from February to June 2002.

5. The total cost of the broad based multi-media campaign is $60,368 which includes the purchase of materials and media. The total cost of the targeted marketing campaign is up to a maximum of $46,000 depending on the successful sign up of employers to take on apprentices and trainees.

6. Brochures 13,000
Posters 500
Bus Backs 40 Action Buses
Radio 160 x 30 second adds per month spread evenly over 2CC and 2CA
Billboard 1
Television two sponsorship announcements and two x 30-second Business Sunday Program ads per program (12 programs).

7. This is addressed in the response to questions 4 and 6.

8. This is addressed in the response to questions 4 and 6.

9. The television program is shown between 8am and 9am Sundays. The radio advertisements are broadcast during the breakfast, morning and drive timeslots.

10. (a) and (b) No formal complaints about the content of the advertisements have been received.

11. (a) and (b) The total apprentice and trainee commencements for the January to March quarter for 2002 are: 313 apprentices 312 trainees

Included in the above figures are 30 trainees and 16 apprentices, a total of 46, who have met the Skills 500 criteria.

12. The response to this question is incorporated in the response to question 13.

13. Once the employer meets the criteria to take on a trainee or an apprentice they are also potentially eligible to receive Government funded support.

The "qualification" for an employer to take on a trainee or an apprentice is that they:
- meet their legal obligations under the ACT *Vocational Education and Training Act 1995* such as complying with the relevant industrial award; and
- comply with the conditions of the training contract, such as, support structured training, provide a safe working environment and provide supervision and support.

Mount Painter—fires
(Question No 125)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 9 April 2002:

In relation to QON No 30 - parks and forests:
(1) What was the cause of the recent summer fires in the agistment paddocks at Mt Painter, Cook.
(2) Have there been any prosecutions as a result.

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

(1) There were two fires responded to in the Mt Painter/Cook Horse Holding Paddocks area over the Christmas/New year period. They are as follows:

31/12/2001
Location: Cook Horse Holding Paddocks, NW side of Mt Painter
Size: Approximately 4ha
Started at about: 0920 hours
Contained at about: 1245 hours
Cause: Unknown
Units attending: ACTFB - Bravo 4, Charnwood 10, Charnwood 20, Kambah 10, Kambah 20

02/01/2002
Location: Mt Painter, NW side near Horse Holding Paddocks
Size: Approximately 250sq m
Started at about: 1240 hours
Contained at about: 1300 hours
Cause: Unknown
Units attending: ACTBS Parks 4 & Parks 22

The incidents are reported above as they were recorded, hence the difference in location name but the same area. No investigations were undertaken on these fires because of the on-going commitment to the other Christmas Fires in the ACT.

(2) As far as the ACT Bushfire Service is aware no prosecutions have resulted from these fires.

Working with children checks (Question No126)

Ms Dundas asked the Minister for Education, Youth and Family Services, upon notice, on 9 April 2002:

In relation to working with children checks:

(1) Does the department screen the employment of people in child-related employment (i.e. any employment that involves direct contact with children where the contact is not directly supervised) about their previous criminal history particularly offences involving sexual activity, acts of indecency, child abuse or child pornography.

(2) What scrutiny and processes are in place for a person applying for paid work in child-related employment.

(3) What scrutiny and processes are in place for a person applying for unpaid work in child-related employment.

Mr Corbell: The answer to Ms Dundas' question is:

(1) All permanent, temporary and casual employees of the ACT Department of Education and Community Services are required to undertake a screening process consisting of a police records check in respect of criminal convictions and traffic violations, and a self disclosure form in respect of any other issue which may be relevant in determining their suitability to work with children in schools and other departmental workplaces.

The police records check is processed by the Australian Federal Police in accordance with relevant spent convictions legislation (Crimes Act 1914 (Cth) and the Spent *Convictions Act* 2000 (ACT)). The police records check and the self disclosure form must be completed and processed prior to an employee commencing duty.

Exemptions under section 85ZZH of the Crimes Act 1914 (Cth) and section 19 of the Spent *Convictions Act* 2000 (ACT) provide for full disclosure of all sexual offence convictions where a person is to be appointed, employed or otherwise engaged in any capacity in relation to the care, instruction or supervision of children.

In the child care industry, police record checks are required for controlling persons and proprietors. Police record checks are recommended for other people working in child care, however they are not mandatory.

Foster carers are employed through Family Services though contractual arrangement with foster care agencies in the ACT. They are all required to have a police check and a thorough psycho-social assessment.

(2) This is covered in point (1). However, the department is also considering appropriate arrangements for persons who are in contact with children in schools who are not employed under the provision of the Public *Sector Management Act 1994* (ACT).

(3) The department does not have a policy requiring screening for persons engaged in unpaid or voluntary work in child related employment. However the department is currently developing a 'Policy and Guidelines for Volunteers in Schools and Preschools'. The first consultation paper issued in September 2001, proposed screening of volunteers in certain circumstances. The department is currently reviewing responses and a further consultation paper will be issued in the middle of this year.

Child protection
(Question No 127)

Ms Dundas asked the Minister for Education, Youth and Family Services, upon notice, on 9 April 2002:

In relation to child protection:

(1) Does the Department keep records of the deaths of children and young people (age 0 - 17 years).

(2) How many children or young people (age 0-17) died from July 2000 -2001.

(3) What are the various age groups according to the age of the child or young people: a) Infants under 12 months? b) Children aged between 1 and 14 years? c) Young people between 15-17 years?

(4) What was the gender breakdown of the deaths of children and young people.

(5) How many of these children had been the subject of reports of suspected child abuse or neglect.

(6) How many deaths of children and young people have been referred to the Coroner in this time frame.

(7) Has the Minister considered establishing a "Child Death Review Team," like that which exists in NSW.

(8) What concerns does the Minister have in establishing such a team.

Mr Corbell: The answer to Ms Dundas' question is:

(1) Records of all children and young people who come to the attention of Child Protection Services in the ACT are recorded on the Children and Young Person's System (CHYPS). All deaths of children and young people involved, or who have been involved with Child Protection Services are also recorded in this system.

(2) The ACT Registry of Births Deaths and Marriages provide all their statistics to the Australian Bureau of Statistics and do not keep a register themselves.

The Australian Bureau of Statistics (ABS) has no data for the period requested. The most recent data available is for the 2000 calendar year only. There are no figures currently available for the 2000-2001 financial year.

(3) a) ABS figures for all infant (0 to 12 months old) deaths for the 2000 calendar year indicate that there were10 males and 7 female deaths in the ACT in this age group.

b) ABS figures for all child deaths in the 1 to 14 year age group for the 2000 calendar year indicate that 3 males and 3 females in the ACT, all of whom were aged between 1 and 4 years old.

c) The ABS does not have a matching age category. However, figures for the 15 to 19 year age group are available for the 2000 calendar year. These figures indicate that there were 5 males and 4 females in the ACT.

4) This information has been included in question 3.

5) An audit revealed that there have been no deaths of children and young people in these age groups who were involved with Child Protection Services recorded in the 2000-2001 financial year.

6) A total of 15 deaths were referred to the ACT Coroner's Court from July 2000 to June 2001. This included 11 males and 4 females.

7) Initially child death inquiries tended to concentrate on abuse and neglect cases but have developed much broader terms of reference, generally to cover all deaths.

A proposal for an ACT Child Death Review Team was developed by the Children's Services Council with some consultation with the previous Chief Health Officer of the ACT Department of Health and Community Care.

A working group consisting of the Department of Health and Community Care, Department of Education and Community Services and the Community Advocates Office recently met and asked the Chief Health Officer's Quality Unit to investigate this proposed team and its application to the ACT.

The proposal will then be forwarded to Government and significant community consultation will be undertaken.

8) While there is initial agreement that a Child Death Review Team should be developed broadly based on the NSW Child Death Review Team, there is a need for more information about how this team works and its adaptation to the ACT context.

In particular, reporting and investigating arrangements between the Team, health based quality assurance mechanisms, police and the Coroner, amongst others need to be considered and processes adapted to the ACT context. In reviewing these arrangements consideration should also be given to privacy and immunity issues.

Mini hydro-electricity generating plants (Question No 128)

Mrs Dunne asked the Deputy Chief Minister, upon notice, on 9 April 2002:

In relation to progress on mini-hydro plants:

(1) Is the Government committed to building the already approved mini hydro electricity generating plants at Cotter and Corin dams.

(2) If so, what work has been done to date.

(3) What are the expected completion dates.

(4) What is the envisaged total cost.

(5) Are there further plans to build hydro plants in the ACT.

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

(1) While the Government supports ACTEW Corporation in ACTEW's investigation of the viability of building mini-hydro electricity generating plants at Cotter and Corin dams, the final decision is a matter for ACTEW.

(2) I have been advised that ACTEW has undertaken feasibility studies into the development of mini hydro-electricity generating plants at both Corin and Cotter Dams. ACTEW is also finalising a project for the construction of a hydro power station at Googong Dam.

(3) Decisions to proceed with the projects have not been taken at this stage and hence no planned completion dates have been determined.

(4) The Corin Dam hydro is estimated to cost $4.4 million. The Cotter Dam project is estimated to cost $1.1 million.

(5) I have also been advised that ACTEW is considering the feasibility of a small hydro power project at the Lower Molonglo Water Quality Control Centre.

Attorney-General's Department—staff (Question No 129)

Mr Stefaniak asked the Attorney-General, upon notice, on 9 April 2002:

(1) How many staff are in the department.

(2) How many staff are in each section.

(3) How many consultants are contracted by the department.

(4) How many consultants are contracted by each section.

(5) What is the name of each consultant.

(6) What is the nature of work carried out by each consultancy.

(7) What is the cost of each consultancy.

(8) What is the duration of each consultancy.

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

The information sought is published in the Annual Report of the Department of Justice and Community Safety. It was last published in the Department's Annual Report of 2000/2001 (see extracts attached). It will again be published in the Department's Annual Report for 2001/2002, later this year.

The compilation of this material is geared to the annual reporting cycle and it would be expensive in time and resources to have to provide this information outside that cycle. Further, the Department of Justice and Community Safety relates both to my responsibilities as Attorney-General and certain portfolio responsibilities of the Deputy Chief Minister. To provide the information sought in respect of those parts of the Department relating to the Attorney-General's functional responsibilities would add to the complexities of the task.

Information in respect to numbers of staff in a specific area of the Department or in respect to particular consultancies could be provided on request.

Table incorporated in hard copy

Table incorporated in hard copy

Housing—flats in Braddon
(Question No 130)

Mr Stefaniak asked the Minister for Urban Services, upon notice:

In relation to ACT Housing Accommodation managed by a body corporate:

For each flat complex in Braddon, provide:

(a) Location;
(b) how many flats in each complex;
(c) How many bedrooms in each flat;
(d) What is the amount of rent charged for each flat (i) by ACT Housing, and (ii) to ACT Housing;
(e) What is the body corporate fee charged for each flat (i) by ACT Housing, and (ii) to ACT Housing;
(f) What recreation facilities are provided in each complex;
(g) What is the frequency of body corporate meetings in each flat complex;
(h) Are the body corporate meetings attended on a regular basis and, if not, why; and
(i) Who attends the body corporate meetings for each flat complex.

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

(a) 32 Ipima Street Braddon (Beau Park Apartments)
Girrahween Street Braddon (Victoria Terrace)
40 Torrens Street Braddon (Braddon Gardens)
11 Fawkner Street Braddon (Fullerton Apartments)
17 Helemon Street Braddon (Brundle Place)

(b) 1
3
12
6
1

(c) 1 x 1 bedroom
3 x 1 bedroom
5 x 1 bedroom, 6 x 2 bedroom, 1 x 3 bedroom
6 x 2 bedroom
1 x 1 bedroom

(d)(i) $170.00 per week
$175.00 per week
$180.00 per week (1 bed), $220.00 per week (2 bed), $325 per week (3 bed)
$210.00 per week
$170.00 per week
These amounts are the market rental charged for the accommodation. If 25% of a tenant's income were less than the market rental of their property they would be entitled to a rental rebate for the difference.

(ii) ACT Housing owns the units and therefore no rent is payable.

(e)(i) ACT Housing does not on-charge body corporate levies to tenants.

(ii) $1038.80
$684.92, $689.96, $689.96
$1,601.60, $1,100.00, $897.60, $1,100.00, $1,249.60, $924.00,
$897.60, $1,242.40, $1,249.60, $915.20, $1,240.80, $862.40
$847.20, $939.99, $840.16, $931.92, $946.04, $946.04
$881.52

(f) Not known

(g) Body Corporate meetings must be held at least once annually in accordance with the Unit Titles Act. Other meetings or special meetings may be held more frequently with suitable notification being given to unit holders.

(h) Meetings are generally attended by a representative from ACT Housing. If ACT Housing is unable to attend, a proxy is given to the chairperson.

(i) See answer to (h) above.

Housing—consultants
(Question No 131)

Mr Stefaniak asked the Minister for Urban Services, upon notice:

In relation to ACT Housing consultants:

(1) List the names of the consultants and the consulting companies contracted by ACT Housing.
(2) What is the project for which each consultant has been contracted.
(3) What is the duration of each consultancy.
(4) What is the cost of each consultancy.

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

(1) 1) A J Rhodes
2) Geoff Driscoll Architects
3) Logical Applications & Systems Pty Ltd
4) Egan National Valuers (ACT)
5) APP Projects Pty Ltd

(2) 1) Media Consultant
2) Warramanga Architectural Services
3) Project Management for the Upgrade of Oracle
4) Capital Valuation of Properties and Market Rent
5) Strategic Property Functions for ACT Housing.

(3) 1) 19 July 1999-30 June 2002
2) 23 February 2001-18 September 2002
3) 1 October 2001-31 December 2002
4) 30 January 2002-26 June 2002
5) 19 February 1999-30 June 2002

(4) 1) $4,525.40 per month
2) $37,181.00
3) $99 .00 per hour
4) $55,220.00
5) $141.90 per hour

ACT Fleet
(Question Nos 132-135)
(redirected to Chief Minister on 15 April 2002)

Mr Stefaniak asked the following ministers, upon notice, on 9 April 2002:

*132 Chief Minister
*133 Deputy Chief Minister
*134 Minister for Urban Services
*135 Minister for Education, Youth and Family Services

In relation to ACT Fleet cars:

(1) What is the breakdown of ACT Fleet cars to each department within your area of responsibility.

(2) What is the breakdown of ACT Fleet cars to each section in each department within your area of responsibility.

(3) What is the cost of ACT Fleet cars to each department within your area of responsibility.

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

(1)

Department	**No. of cars**
Chief Minister's Department	24
Health and Community Care	403
Justice and Community Safety	102
Treasury	28
Urban Services	356
Education and Community Services	106

(2)

Department	**Section (Business Unit)**	**No. of cars**
Chief Minister's Department	Policy Group	4
	Multicultural and Community Affairs	1
	Cabinet Office	1
	ACT Information Management	1
	Public Sector Management and Labour Policy	1
	Corporate Services	1
	Economic Development	1
	Office of Business and Tourism	3
	IT Industry Development	0
	Bureau of Sport and Recreation	11
TOTAL		24

Health and Community Care	Financial Management and Support Services	5
	Business Services Bureau	4
	Health Strategy and Acute Services	2
	Community Health	1
	Office of Disability	1
	Population Health	1
	Health Protection Service	32
	Community & Health Services Complaints Commissioner	1
	Healthpact	1
	Healthy Cities Canberra	1
	Registration Board	1
TOTAL		50

Health and Community Care – ACT Community Care	Alcohol and Drug Program	4
	Dental Program	2
	Integrated Health Care Program	86
	Health Centre Facilities and Support	4
	Corrections (DP)	0
	Clinical Effectiveness and Quality Management	1
	Disability Program	61
	Business Program (includes Executive)	6
	Child, Youth and Women's Health Program	52
	General Practice	0
	Community Rehabilitation Program	8
TOTAL		224
Health and Community Care – The Canberra Hospital	Chief Executive and Operations	17
	Deputy Chief Executive (Clinical)	1
	Medical Services	11
	Mental Health Services	73
	Surgical Services	6
	Women and Children's Health Services	11
	Pathology	10
TOTAL		129

Department	**Section (Business Unit)**	**No. of cars**
Justice and Community Safety	ACT Government Solicitor's Office	3
	Corporate Services	3
	Director of Public Prosecution	3
	Electoral Commission	1
	Human Rights Office	1
	Magistrates Court	12
	Office of the Community Advocate	3
	Parliamentary Counsel's Office	2
	Policy and Regulatory Division	7
	Public Trustee's Office	2
	Registrar-General's Office	1
	Supreme Court	5
	Emergency Services Bureau	40
	ACT Corrective Services	19
TOTAL		102
Treasury	Executive	2
	Economic Management	1
	Government Business Enterprises	1
	Financial and Budgetary Management	1
	Accounting	1
	Revenue Management	2
	Finance and Investment	1
	ACT Procurement Solutions	4
	InTACT	15
TOTAL		28

Urban Services	Corporate	10
	City Management	40
	Environment ACT	63
	Policy Coordination	14
	Operations – Canberra Connect	2
	Operations – ACT Housing	45
	Operations – ACT Forests	15
	Operations – Information Planning and Services	7
	Operations – City Operations	102
	ACTION	24
	Planning and Land Management	30
	Land and Property	2
	Land and Property (temporary cars while Land and Property are located in Callam Offices)	2
TOTAL		356

Education and Community Services	Corporate Services	15
	Children's Youth and Community Services	55
	Human Resources	3
	School Education	16
	Vocational Education and Training	3
	SES cars	14
TOTAL		106

(3)

Department	**Cost**
Chief Minister's Department	$207,456
Health and Community Care	$2,605,441
Justice and Community Safety	$1,184,000
Treasury	$278,250
Urban Services	$2,426,621
Education and Community Services	$583,683

Correctional facilities (Question No 136)

Ms Tucker asked the Minister for Police, Emergency Services and Corrections, upon notice, on 10 April 2002:

In relation to inmates and other clients of ACT correctional facilities:

(1) What programs are (a) delivered in ACT correctional facilities, and (b) by whom.

(2) Are specific programs made available for men and women, and for people from non-English speaking and culturally diverse backgrounds.

(3) What arrangements are in place for people with mental illnesses.

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

(1) The following programs are delivered in ACT correctional facilities.

The Belconnen Remand Centre (BRC) offers drug and alcohol counselling services, including methadone maintenance, as well as psychological assistance and counselling. These services are provided by Mental Health Service (MHS) and Corrections Health staff. Drug and Alcohol Groups are held once a week by the Drug and Alcohol Case Manager, with topics varying according to detainee requirements. Topics this year have included Safe Sex, Hepatitis, Life after Prison, Alcohol and Heroin. In addition, Alcoholics Anonymous access the Centre to provide assistance with alcohol withdrawal.

A range of educational and vocational programs are available to detainees, with a particular focus on oral and written communication skills and basic literacy and numeracy skills. There are also limited paid work opportunities available within the Centre. In addition, consciousness raising programs in areas such as family violence, gender conditioning, stress management and relationship issues are offered. Educational courses are provided by the Education Officer on the staff of the BRC. Detainees typically attend courses for 5 hours per week, in two and three hour blocks.

Course content is chosen based on the needs of the community, as well as the detainees. Course presentation is aimed at providing detainees with information that will enable them to gain insight into their life situation and make more positive choices in the future.

At the Periodic Detention Centre (PDC) a Cognitive Skills Program is currently offered for both men and women. Cognitive Skills programs are aimed at reducing re-offending by effecting behaviour change through changing thought patterns and improving problem solving skills. The program is being provided by two Senior Psychologists of ACT Corrective Services.

A Blood Borne Diseases educational program provided by the AIDS Action Council of ACT is planned to commence this financial year at the PDC and the BRC.

(2) The Cognitive Skills Program run at the PDC is available to both men and women. The BRC offers a course on Assertiveness and Affirmative Action for Women, which specifically targets the needs of female offenders.

ACT Corrective Services established an Indigenous Services and Cultural Diversity Liaison Unit in late 2001, whose responsibility it is to develop culturally appropriate programs for Indigenous and other culturally diverse offenders. The Unit also provides training and support to staff on cultural issues, to ensure that they are better equipped to deal sensitively with detainees from a range of backgrounds.

The Indigenous Liaison Officer at the BRC provides a range of informal programs, such as Cultural Awareness Workshops and Arts and Crafts, as well as general counselling sessions. Indigenous detainees also have regular access to the local Aboriginal Medical Service (Winnunga Nimmityjah), and also receive drug and alcohol services from an Indigenous service provider (Gugan Gulwan Youth Aboriginal Corporation).

On 16 April 2002 a Cultural Diversity Liaison and Policy Officer commenced work with ACT Corrective Services. This officer has responsibility for developing a range of culturally appropriate services for prisoners from non-English speaking backgrounds and will also liaise directly with detainees and staff at the BRC to ensure that the culturally specific needs of detainees are met as best as possible.

(3) The BRC does not offer a separate dedicated secure facility for remandees with mental health issues. Remandees entering the Centre with mental health problems are managed within the existing resources. This includes two (2) full-time nurses including one (1) psych nurse and one (1) dual role nurse, who are available to all remandees between 9am and 5pm Monday to Friday. The psych nurse is also available on-call after hours and on weekends.

All new remandees entering the Centre undertake a mental health assessment with the psych nurse. Remandees assessed as being “at risk” are placed where possible in D Yard, which is a separate six (6) unit complex for the management of detainees at risk of self-harm or suicide. It is staffed by at least one custodial officer at all times and all units are equipped with video surveillance and perspex front walls to facilitate close monitoring. The cameras in D Yard are monitored from two separate locations.

Services for detainees with mental illness include therapeutic interventions, such as medication, review by a visiting psychiatric registrar, supportive counselling and monitoring of treatment, as well as environmental interventions. All detainees have access to mental health services on request. Detainees from different cultural or linguistic backgrounds have access to an interpreter service. Female detainees can request to be seen by a female mental health professional.

ACT prisoners in New South Wales jails (Question No 137)

Ms Tucker asked the Minister for Police, Emergency Services and Corrections, upon notice, on 10 April 2002:

In relation to ACT prisoners in New South Wales jails:

(1) Regarding the last three available end-of month statistics, what is the breakdown of (a) male/female and (b) non-indigenous/indigenous people among the prisoners.

(2) What are the sentence lengths.

(3) Which (a) jails are they located in, and (b) what are the classifications of these jails.

(4) What programs are in place to assist with: (a) rehabilitation, (b) drug problems and (c) mental health problems.

(5) What is the cost of daily incarceration for ACT prisoners in NSW.

(6) Does the ACT fund any programs in interstate jails for rehabilitation of prisoners.

(7) What programs does the ACT have in place to assist the families of prisoners in interstate jails.

(8) What supports are in place to help returning ex-prisoners re-enter the ACT community, including housing, counselling and employment services.

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

(1)
For the 3 month period from 1 January 2002 to 31 March 2002 the end of-month-records indicate the following male/female breakdown among ACT prisoners:

- January: **132** male**, 9** female
- February: **128** male, **9** female
- March: **126** male, **9** female

For the same period the end-of-month statistics indicate the following ratio of non-indigenous to indigenous prisoners:

- January: **128** non-indigenous**, 13** indigenous
- February: **124** non-indigenous, **13** indigenous
- March: **123** non-indigenous, **12** indigenous.

(2)
For all ACT prisoners in NSW prisons for the period from 1 January 2002 to 31 March 2002 their sentence lengths are provided below:

- **32** prisoners served sentences of less than 12 months,
- **36** prisoners served sentences from 1 year to less than two years,
- **19** prisoners served sentences from 2 years to less than 3 years,
- **10** prisoners served sentences from 3 years to less than 4 years,
- **11** prisoners served sentences from 4 years to less than 5 years,
- **11** prisoners served sentences from 5 years to less than 6 years,
- **1** prisoner served a sentence from 6 years to less than 7 years,
- **2** prisoners served sentences from 7 years to less than 8 years,
- **2** prisoners served sentences from 9 years to less than 10 years,
- **11** prisoners served sentences of 10 years or more.

(3)
In the three months from 1January 2002 to 31 March 2002 ACT prisoners were located in the following correctional facilities in NSW:

Maximum security:
Goulburn
Lithgow Correctional Centre
Long Bay Hospital
Malabar Special Programs Centre (Long Bay)
Special Protection Centre
Silverwater

Medium Security:
Broken Hill Correctional Centre
Cooma Correctional Centre
Junee Correctional Centre
Mulawa Correctional Centre (Silverwater)
Parklea Young Offenders Correctional Centre
Parramatta Correctional Centre

Minimum Security:
Berrima Correctional Centre
Cessnock Correctional Centre
Emu Plains Correctional Centre
Glen Innes Correctional Centre
Kirkconnell Correctional Centre
Mannus Correctional Complex (Tumbarumba)
Oberon Young Offenders Correctional Centre
John Morony Correctional Centre (Windsor)

(4)
The provision of programs in NSW prisons is determined by the individual prison authorities. Programs available to prisoners in NSW vary between facilities. Prisoners may be relocated to meet their individual program requirements.
A range of programs including the following is generally provided in NSW correctional facilities:

Rehabilitation

All facilities offer a range of vocational and educational programs, as well as skills training through prison industries. Program provision is aimed at increasing the employment prospects of prisoners after their release. Special emphasis is placed on literacy and numeracy skills. In addition, many facilities offer programs focusing on improving general living skills in areas such as financial management, health and fitness, diet and nutrition.

A number of facilities offer programs aimed at reducing offending behaviour through cognitive skills training: these include anger management, harm reduction, conflict resolution and sex offender programs. Some facilities also have specific pre-release programs to facilitate re-integration of offenders into the community.

Drug Programs

All facilities offer drug and alcohol programs, including drug counselling and methadone maintenance programs. To deal with the related problem of HIV/AIDS many facilities also offer AIDS Awareness and Harm Minimisation Programs.

Mental Health Programs

All facilities have programs and staff to assist prisoners with mental health problems. Scope and emphasis of these programs vary between facilities depending on the prisoner population and its specific requirements. Some facilities also provide special programs for developmentally delayed prisoners.

(5)
The current cost per prisoner per day varies depending on the security classification of individual prisoners; it is:

- **$199.82** for a maximum security prisoner,
- **$178.96** for a medium security prisoner, and
- **$164.04** for a minimum security prisoner.

The average cost per prisoner per day for this financial year is **$173.83.**

(6)
The ACT does not fund programs in interstate prisons. Program provision is the responsibility of the NSW Department of Corrections, and forms part of the daily cost per prisoner paid by the ACT to NSW.

(7)
As part of the current Budget the Government has allocated $20,000 over the next four (4) years to fund Prisoners' Aid (ACT) Inc. This organisation, as well as providing counselling, provides financial support to assist families of prisoners visit their relatives in prison in NSW. Apart from this program, there are no designated programs available exclusively to families of prisoners.

(8)
The following support systems are in place to help returning ex-prisoners re-enter the ACT community:

Housing services

Currently the Commonwealth /ACT Supported Accommodation Assistance Program (SAAP) funds transitional supported accommodation and related support services to people who are homeless or at risk of homelessness to achieve the maximum possible degree of self-reliance and independence.

The SAAP funds a number of transitional supported accommodation services in the ACT, including services for homeless single men and women. These include Samaritan House for single men, Toora for single women and Ainslie Village for single men and women. ACT residents being released from custody who need accommodation are eligible to access SAAP services.

Prisoners returning from NSW, who meet the relevant criteria, are listed for early allocation by the Applicant Services Centre of ACT Housing, which ensures that they will be housed as soon as accommodation becomes available.

ACT Corrective Services is currently developing plans for a Corrections Accommodation Service, which will provide emergency short-to-medium term accommodation for prisoners released on Community Based Orders returning to the ACT. The service will be targeted at medium to high-risk offenders.

Counselling Services

The Community Corrections Unit of ACTCS provides a range of intervention programs to which prisoners returning to the ACT on Community Based Orders may be referred. These programs currently include a Cognitive Skills Program for men, a Young Sex Offenders Program, and a Family Violence Program.

ACTCS is also currently developing additional intervention programs. These include:
- Non Program Interventions for Family Violence through Relationships Australia,
- Cognitive Skills Program for Women,
- Violent Offenders Program,
- Adult Sex Offenders Program,
- Employment services.

There are no special services in place to assist prisoners returning to the ACT in finding employment. Prisoners released on Community Based Orders will be referred to appropriate employment services, which are accessible to all members of the community.

Rental properties—energy efficiency ratings (Question No 138)

Ms Tucker asked the Attorney-General, upon notice, on 10 April 2002:

In relation to the enforcement of section 11 A and subsection 12 (3)(c) of the *Residential Tenancies Act* 1997 relating to the disclosure of the energy efficiency rating of rental properties:

(1) Since section 11 A and subsection 12 (3)(c) came into force, what action has been taken to ensure that energy efficiency ratings of rental properties, where available, are being disclosed in advertisements and to potential tenants;
(2) Have any legal actions been taken against persons who have not complied with section 1 lA or subsection 12 (3)(c).
(3) What action does the Government intend to take from now on to ensure that section 11A and subsection 12 (3)(c) are complied with

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

(1) All real estate agents were provided information concerning the requirements of the energy efficiency rating scheme in newsletters from the Real Estate Agents Board. A compliance program has been implemented by the Office of Fair Trading that targets the advertisements of for sale properties and rental properties in The Canberra Times and other advertising media. Where properties have been advertised without an energy efficiency rating letters have been sent to the agent, or contact initiated with the owner, to ensure that the issue is appropriately addressed. The work of the Office of Fair Trading has resulted in a significant increase in compliance with the requirements related to energy efficiency ratings.

(2) No.

(3) A further reminder will be included in the Agents Board's next newsletter emphasising the requirements related to energy efficiency ratings when advertising a property for sale or lease. Where continuing non-compliance is identified by real estate agents the matter will be referred to the Agents Board for disciplinary action under the Rules of Conduct for Agents.

Water and sewerage assets—management (Question No 139)

Ms Tucker asked the Treasurer, upon notice, on 10 April 2002:

In relation to the management of the ACTEW's water and sewerage assets and services by ActewAGL:

(1) Does the contract between ACTEW and ActewAGL include a two phase arrangement whereby there is a transitional period between the commencement of ActewAGL joint venture and the next scheduled regulatory review of water and sewerage services by the Independent Pricing and Regulatory Commission (IPARC).

(2) What are the operational and contractual differences between these two phases.

(3) When is the next review by IPARC scheduled to be completed.

(4) Is there scope within the contract for the contract to be terminated at (a) the end of the first phase, and (b) during the second phase, and if so, under what circumstances can the contract be terminated.

Mr Quinlan: The answer to the members' question is as follows:

(1) The contract between ActewAGL and ACTEW Corporation contemplates two phases, the first in the nature of an 'alliance' arrangement, the second to be negotiated by 30 September 2004 and to reflect more 'arms length' commercial contracting arrangements. There is no direct link in the contract between the phases and any regulatory review by the Independent Competition and Regulatory Commission (ICRC), other than a general co-incidence of timing. The ICRC replaced IPARC in March 2000.

(2) During the first phase, ActewAGL provides services to ACTEW Corporation in an alliance framework. The intent of this phase is that ACTEW and ActewAGL work together to develop a clear understanding and definition of the costs and risks involved in management of the water and sewerage business, and that the parties work together to resolve any issues which may arise, rather than reverting to a strict contractual resolution.

The second phase of the contractual relationship has been broadly defined, but will be ultimately negotiated taking into account the outcomes of the first phase. Broadly, the second phase contract will be more 'arms length', in nature, with ActewAGL taking more responsibility and financial risk for delivery of services and outcomes than in the initial alliance phase.

(3) The current water pricing path has been set by the ICRC and is due to be reviewed and replaced with effect from mid 2004.

(4) The stated intent of the joint venture arrangements is that the contract between ACTEW and ActewAGL for operation of the water and sewerage business be for the life of the joint venture. The existing alliance contract does not have a ixed term, but rather terminates automatically on signing of the phase 2 contract which is expected to be completed by 30 September 2004. If however, the phase 2 contract is not completed by the planned date, the existing alliance agreement would continue in force. The continuation of the existing alliance agreement is to be determined by the Chief Executive Officer of ACTEW and the Chief Executive Officer of ActewAGL.

The alliance contract terminates if the ActewAGL joint venture is terminated.

There is also scope for termination of the existing alliance contract for material breach, repeated poor performance by ActewAGL, insolvency, or an irreconcilable dispute. This is consistent with normal alliance contracting provisions.

Cyclists—fines
(Question No 141)

Mr Cornwell asked the Attorney-General, upon notice, on 10 April 2002:

In relation to fines for cyclists:

(1) How many tines have been handed down to bicycle riders for (a) failure to wear a helmet and (b) other offences in (i) 2000-01 and (ii) 2001-02 to date.

(2) What were the "other" offences.

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

(1) (a) During 2000-2001 there were 45 fines handed down to bicycle riders for failure to wear a helmet and 20 for other offences. During 2001-2002 to date there have been 22 fines handed down for failure to wear a helmet and 5 for other offences.
(2) The following table demonstrates the "other" offences during these periods.

Offence Type	**2000-2001**	**2001-2002 to date**
Ride Bicycle on pedestrian side of separated foot path	1	0
Passenger not wearing appropriately fitted/adjusted helmet	3	0
Ride bicycle without working brake	1	0
Ride bicycle without working warning device	3	0
Ride bicycle without visible front white light	6	2
Ride bicycle without visible rear red light	4	1
Ride bicycle without visible red reflector	2	0
Ride bicycle on children's/ marked foot/pedestrian crossing	0	2

Source: ACT Policing Traffic Representations %

Australian International Hotel School (Question No 142)

Mr Cornwell asked the Treasurer, upon notice, on 10 April 2002:

In relation to the Australian International Hotel School (AIHS):

(1) Has the Government recently confirmed the AIHS will continue to operate for another 3 years.

(2) If so, how much money has been allocated for this purpose in the period.

(3) Why has this decision been taken when the final stage 4 report of the AIHS review is awaited by the board (Reply to question on notice number 84).

(4) Why did the Government not wait for the report of the AIHS Review before committing further taxpayers' funds for another 3 years to this venture.

(5) Is not this commitment to another 3 years funding a pre-emption of the Board's recommendations to Government on the full review and if not, why not.

(6) What was the total cost of the full review into the AIHS.

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

(1) The Government has made no commitment on the continued operations of the AIHS. Any decisions made will be following the outcome of stage 4 of the independent review and an objective assessment on the future viability of the AIHS.

(2) The 2001-02 Budget allocated a $2m subsidy to the AIHS for the current financial year and forward estimates showed a subsidy of $1.5m for subsequent years to 2004-05. The notes to the AIHS's financial statements in the 2001-02 Budget state that "This Government support is subject to the outcome of the strategic review currently being conducted in the AIHS". This position remains unchanged.

(3) See response to Question (1).

(4) See response to Question (1).

(5) See response to Question (1).

(6) The costs of the full review totalled $192,060 including GST plus direct expenses incurred. The final payment of $54,560 will not be made until the Board receives the consultants' final report.

Learning for life program
(Question No 143)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice, on 10 April 2002:

In relation to the recent Government decision to give $414,000 over four years to The Smith Family's Learning for Life program:

(1) What is this money to be used for, given that parental contributions are voluntary at ACT Government schools and thus, parents in financial difficulty are not obliged to contribute.

(2) Do guidelines exist for the use of these government funds by the charity and if so, what are they.

(3) If no guidelines exist, why not.

(4) Can these funds at (1) be used in programs for students at fee paying nongovernment schools.

(5) Are students means tested to be eligible for this program.

(6) At what age is a student eligible for a tertiary scholarship which may include funding provided by the ACT Government and what does this scholarship cover.

Mr Corbell: The answer to Mr Cornwell's question is:

(1) The former ACT Government allocated funding to The Smith Family's Learning for Life Program in the 2001 ACT Budget. The ACT Government's contribution represents a partnership with The Smith Family to expand a successful program that has been operating nationally for over 10 years.

Learning for Life provides scholarships and family support for students in years 1-12, CIT students, and students undertaking tertiary studies. The financial support is between $204 and $504 per year to each student, depending on the level of schooling, or $2,000 per year for tertiary students. The use of the scholarship is at the discretion of individual families, but must be spent on school related expenses. School related expenses may include a range of items such as sporting clothing and equipment, excursions, uniforms, and a school bag. The expenditure of the scholarship is monitored by The Smith Family, and is provided in conjunction with family support services.

(2) Yes, The Smith Family has clear guidelines on how they assess families' eligibility, using a range of factors including income level and family size. The program is designed to support low-income families. The family must also demonstrate a commitment to their child's education. The Smith Family requires proof of income documentation annually to ensure eligibility is maintained. The family support element of the program monitors the child or young person's attendance at school.

(3) This is covered in point (2) above.

(4) Students attending either Government or non-Government schools can receive scholarships and associated support, if they qualify for assistance under the program's guidelines.

(5) Yes, families are means tested for students to be eligible for this program.

(6) There is no minimum age for receiving a scholarship to undertake tertiary studies. A young person is eligible for assistance if they meet program guidelines and are undertaking tertiary studies. Scholarships to tertiary students are provided directly to the young person and used by them for educational related expenses at their discretion. This may include the purchase of a computer, books, or attendance on field trips.

Gas line—breakage (Question No 144)

Mr Cornwell asked the Treasurer, upon notice, on 10 April 2002:

In relation to the gas line breakage on 26 March in the Melbourne Building and your advice (letter 25 March) of penalties for disruption of electricity supply by third parties:

(1) How many prosecutions were launched against such offenders in the calendar years (a) 2000 (b) 2001.

(2) How many were successful in each year above and how many are still ongoing.

(3) How much in (a) fines and (b) compensation was determined in (a) 2000 and (b) 2001.

(4) Was compensation paid by the Government or ActewAGL for any of these service disruptions and if so, how much was paid in (a) 2000 and (b) 2001.

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

(1) I am advised that no prosecutions were initiated in 2001 under the *Utilities Act 2000* in relation to the disruption of utility services by third parties. This was also the case in 2000, prior to the introduction of the *Utilities Act 2000*, when these matters were covered under the *Energy and Water Act 1988* and the *Gas Supply Act 2000*.

(2) Not applicable, see (1) above.

(3) Not applicable, see (1) above.

(4) No compensation has been paid by the Government or ActewAGL for the disruption of utility services by third parties.

Seniors—free travel
(Question No 145)

Mr Cornwell asked the Minister for Planning, upon notice, on 11 April 2002:

In relation to the free travel for ACT seniors during the recent Seniors Week:

1. Approximately how many pensioners travelled free during this week.

2. Approximately how much revenue was foregone by ACTION as a result.

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

1. Based on analysis of daily patronage figures for the weeks preceding and following Seniors Week, approximately 7,500 seniors took advantage of the free travel arrangements during the week. This is a substantial increase over last year, when it was estimated that a total of 5,000 seniors travelled free during the whole week.

2. ACTION would have foregone fare revenue of approximately $12,000 for the week.

Lake Ginninderra foreshore (Question No 146)

Mrs Dunne asked the Minister for Urban Services, upon notice:

In relation to refurbishment of the Lake Ginninderra Foreshore:

(1) Is the Minister aware of the consultancy for the refurbishment of the Lake Ginninderra Foreshore.

(2) How was the contract for the consultancy let.

(3) Who was awarded the consultancy.

(4) What was the original brief for the consultancy.

(5) When did water quality in Lake Ginninderra become part of the brief.

(6) Now that the consultation process has closed how many people were consulted during the consultancy.

Mr Wood: The answer to Mrs Dunne's question is as follows:

The Belconnen Lakeshore Refurbishment project commenced in May 2001with the engagement of ACT Procurement Solutions to manage the Forward Design study process. ACT Procurement Solutions engaged the design consultant team in August 2001 following a tender process.

Part of the study involves conducting public consultation, and this process commenced in September 2001 and continued until the closure of the public display of options on Friday 5 April 2002.

The answers to each part of the question are as follows:

1. Yes

2. The contract for the consultancy was let following a tender process managed by ACT Procurement Solutions, in which pre-qualified consultants from the Government's supplier data base were invited to provide expressions of interest and quotations to undertake the work of developing proposals and plans for the refurbishment of the Belconnen Lakeshore. As the work involved requires the application of a number of different skills, the consultants formed teams as part of the tendering process.

3. The contract was awarded to a team lead by the local landscape architecture firm Rochford Telfer Group. Key personnel of the Rochford Telfer Group have experience in the design, docmentation and construction supervision of landscape, infrastructure and urban environment projects in both the ACT region and interstate, including major waterfront/urban edge/parkland environment projects such as Melbourne Docklands, and Mill Park Lakes Urban Village and Lake Foreshores (Victoria).

The Consultany team also included

• Michael Horne, landscape architect/urban designer from Sydney of over 15 years of experience in the planning and design of public spaces, urban redevelopment business parks multi-use waterways and constructed ecologies in Australia and overseas. Michael has worked in both the public and private sector, including positions with the NSW Department of Works, and the design co-ordinator for the Sydney 2000 Olympics at Homebush Bay.

• Cultural Planners, the Institute for Regional Community Development from University of Canberra to conduct the community consultation and cultural planning work required.

• Bill Guy and Partners, engineering consultants to provide advice on Civil and Structural elements of the design proposals of this project.

• Bibby, Rusden and Thomson, electrical and lighting engineers to undertake a review of current assets and provide advice on design proposals.

• Accessibility consultant David Goding of Morris Goding Accessibility Consulting to undertake an access audit of the project site and provide advice on accessibility issues, standards and requirements associated with design proposals developed.

• Quantity Surveyors, Wilde and Woolard to prepare cost benefit analyses of the proposals developed.

• Guppy & Associates(Marla Guppy), a Sydney based artist planner to provide input relating to the identification of artwork opportunities and their development as an integral part of the project.

4. The functional brief issued to ACT Procurement Solutions was issued in May 2001. It contained statements relating to the purpose of the brief as follows:

• To develop proposals that are consistent with the Goals and Strategies outlined in the *draft Belconnen Town Centre Master Plan (August 2000).*

• To develop proposals which provide an identifiable character for the Belconnen Town Centre Lakeshore Precinct.

• To develop proposals for the refurbishment of the spaces which will provide increased amenity for users and provide enhanced opportunities for increased activity;

• To conduct community consultation to ensure that community issues and expectations are interpreted and incorporated within the various proposals;

• To ensure linkages with nearby areas are fully considered in the development of the works proposed; and

• To develop proposals which will improve safety, function and appearance of the area over the expected life of the work.

The full brief can be made available for perusal if necessary.

5. Water quality is an environmental and ecological issue. Issues relating to water quality were therefore included in items in the brief such as "the enhancement of the lake and its foreshore", "ecological sustainability", and "cost effective and efficient urban management". Storm water issues relating to drainage into the Lake were specifically mentioned in the brief. In addition, reference was made in the brief to the Belconnen Master Plan and the Belconnen Lakeshore Master Plan. Both these plans make reference to environmental and ecological issues, as well as water quality.

During the public consultation, many issues relating to water quality were raised, such as water quality, appearance, health issues, rubbish in the lake, pollution, and offensive odours. In addition, plans were being developed by Roads ACT to provide improvements upstream of the entrances of the storm water pipes into the lake in a bid to improve the water quality of water reaching the lake. The design team considered it prudent to include these issues in the evaluation as they would have a significant effect on any proposals coming forward, and were related to the objectives of the study. Were they not included, some of the improvements implemented as a result of the landscape refurbishment may well have required significant and possibly expensive alteration when the issue of treating the quality of water entering the lake is addressed.

6. Numerous people were consulted including:

- approximately 205 individuals consulted in the Belconnen community through focus groups or interviews;
- Total number of agencies consulted in writing about the design concepts - 36.

- Total number of Belconnen Community Consultations - 4 (with approximately 20 people at each).

- Total number of ACT Government Stakeholder Consultations - 4 (with approximately 15 people at each)

- Total number of letters sent our reminding people of design concepts -approximately 250 letters on 2 occasions giving a total of 500.

- Letters about meetings sent to traders in the Belconnen Area -approximately 200

- LAPAC - two meetings with Ginnindera LAPAC

- Belconnen Cultural Committee (subcommittee of Belconnen Community Council) two meetings plus submissions on Art and Design

- Individual interviews with business people upon request in addition to other forms of group consultation - two

I am advised it is possible that at least that number again would have been spoken to in the Belconnen Mall during face to face interviews, seen items in the paper or on television, read about it in the paper, heard about it on the radio, or been present at public meetings attended by the team, but not run by them (eg LAPAC meetings).

Yarralumla—electricity supply (Question No 147)

Mr Cornwell asked the Treasurer, upon notice, on 11 April 2002L

In relation to your letter of 25 March to me concerning interruptions to electricity supplies in Yarralumla:

(1) What is the Essential Services Consumer Council.

(2) Who are its members by name.

(3) Where is the Council located, how often does it meet and where can details of its existence and service to consumers be found in the 2002 ACT White Pages Telephone Directory.

(4) Why should consumers have to seek the services of this Council to address constant interruptions of electricity supply as outlined in my letter of 7 February 2002.

(5) Who ultimately is responsible for making decisions to address complaints and compensation claims following power outages.

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

(1) The Essential Services Consumer Council (ESCC) is an independent statutory complaint handling body established under Part 11 of the Utilities Act 2000 (the Act).

The Council replaced the former Essential Services Review Committee (ESRC) from 1 March 2001.

As well as seeking to ensure, so far as practicable, that utility services continue to be provided to persons suffering financial hardship, the functions of the Council under the Act include protecting the rights of customers and consumers under the Act; facilitating the resolution of complaints by utility customers and determining unresolved complaints.

(2) The members of the Council are:

Peter Sutherland
Patricia McDonald
William Pearcy
Annamaree Reisch
Maurice Sexton
Patricia Walsh

(3) The Council is located at Level 6, FAI House, 197 London Circuit, Canberra City.

Hearings relating to hardship complaints are held weekly. Hearings relating to other complaints are held as required.

The Council is listed in the 2002 ACT White Pages Telephone Directory under the name of the predecessor body, the Essential Services Review Committee. The Committee Secretariat is aware of this and the listing will be changed in the 2003 White Pages. Canberra Connect is aware of the role of the Council and refers inquiries accordingly.

(4) Consumers have a number of options in relation to resolving problems with interruptions of utility services, including electricity. These include

the utility;
the ESCC;
the Independent Competition and Regulatory Commission (ICRC); and
the courts.

The Consumer Protection Code under the Utilities Act 2000 provides that a utility must develop, maintain and implement complaints and dispute resolution procedures in accordance with Australian Standards. In its final decision on a complaint, a utility must advise the complainant of his/her right to refer the complaint to the ESCC if the complainant is not satisfied with the utility's response.

Before approaching the ESCC, a complainant should have made reasonable efforts to resolve the matter with the utility in accordance with the utility's complaint handling procedures.

The dispute resolution service provided by the ESCC is much cheaper, less time-consuming and less formal than that of the courts. For example, the service provided by the ESCC is free of charge and legal representation is not required.

The ICRC has the authority to investigate and give directions to a utility under the Act if the interruptions to supply can be attributed to a systemic failure on the part of the utility to comply with the standards and requirements prescribed under its licensing conditions.

(5) If a complaint is lodged with the ESCC, the Council has the authority to give directions to the utility to remedy the matter, which includes compensation for the loss and damage suffered by the complainant up to an amount of $10,000.

If significant systemic problems persist without appropriate responses from the relevant utility, in extreme cases the ICRC could revoke the utility's licence for breaches of licence conditions.

If an action is taken to a court, the ultimate authority that is responsible for making decisions to address the complaint and compensation claim is the final appellate body available, which depends on the legal issues involved.

Woden Valley—police patrol cars (Question No 148)

Mr Cornwell asked the Minister for Police, Emergency Services and Corrections, upon notice, on 11 April 2002:

In relation to police patrol cars operating in the Woden Valley:

(1) How many police patrol cars are operating in the Woden Valley during each shift.

(2) How does this number compare with patrol cares in other ACT regions.

(3) Are there plans to upgrade this number and if so, when.

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

(1) There are currently two patrol cars carrying two police officers operating in the Woden Valley during each shift. A third two-person patrol operates when resources permit.
(2) Belconnen Patrol, the only other patrol of similar size, operates with exactly the same arrangements. There is an additional two-person patrol dispatched from Gungahlin during each shift. Arrangements for the larger patrols in Civic and Tuggeranong vary.
(3) There are currently no plans to upgrade the number of police patrol cars operating in the Woden Valley.

Canberra Museum and Gallery (Question No 149)

Mr Cornwell asked the Minister for the Arts, upon notice:

In relation to the Canberra Museum and Gallery:

1. When and how were the windows facing London Circuit smashed and how have they been temporarily secured.

2. When will they be repaired.

3. Why were they not repaired immediately.

4. Will they be repaired using security film similar to that put on the Assembly's ground floor windows after they were smashed with a hammer.

5. Will they be replaced by similar windows to those which were smashed, ie plain greypainted ones.

6. Has thought been given to creating secure showcase windows along the London Circuit frontage to promote the Museum and Gallery and entice people inside; if not, why not; if so, why was it decided against.

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

1. The three windows on London Circuit side of the Canberra Museum and Gallery were damaged on three separate occasions, 20 January, 29 January and 6 February 2002. Totalcare secured them with plywood sheeting. The Police who attended suggested that someone caused the damage with a high-powered slingshot driving by in a car.
2. They have now been repaired.
3. The repairs were not able to be carried out immediately because a coating of paint matching that of the existing windows needed to be applied by means of a special process carried out by a Melbourne company.
4. Security film was not applied as part of the repair. However, the building managers, Totalcare, have advised that these windows are toughened glass and no further protection is required.
5. The smashed windows have been replaced with windows matching the original plain grey colour.
6. Yes, and this is still under active consideration however the cost of such a project would be considerable, as the gallery space directly on the other side of the windows would require major reconfiguring as part of such a project.

Rental properties—energy efficiency ratings (Question No 150)

Ms Tucker asked the Attorney-General, upon notice, on 11 April 2002:

> In relation to subsection 12 (3) (c) of the *Residential Tenancies Act 1997* relating to the provision of energy efficiency rating of a rental property; Is the Minister aware of any cases where a tenancy agreement has been made invalid because the lessor did not provide an energy efficiency rating statement of a property to a tenant before they signed a residential tenancy agreement for that property?

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

> I am not aware of any tenancy agreement being made invalid because the lessor did not provide an energy efficiency rating statement for a property to a tenant before they signed a residential tenancy agreement for that property.

Lump sum payouts
(Question No 151)

Mr Cornwell asked the Attorney-General, upon notice, on 7 May 2002:

In relation to a recent lump sum payout of $700 000 to a terminally ill Victorian:

(1) Do procedures exist in the ACT to pay out such money, for example, as a monthly annuity for the life of the sufferer instead of a lump sum.
(2) What happens in the ACT to residue of such monies awarded, either as lump sum or annuities, upon the death of the recipient.
(3) If the residual goes to the deceased estate, is this not a windfall gain to the beneficiaries.
(4) If the reply to (3) is affirmative, why is this so, particularly in cases where the pay out is funded via public monies.
(5) Do these lump sum pay outs and windfall gains add to the increasing costs of compensation insurance.

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

I do not comment on the case referred to by the member. Instead my comments are directed to the policy issues raised by the member.

(1) In the ACT it is not permissible at common law to order a defendant to pay the plaintiff an annuity until death (*Fournier v Canadian National Railway Co* [1927] AC 167, *Paff v Speed* (1961) 105 CLR 549 at 559). The Supreme Court of Canada has recently reaffirmed this rule observing that, if considered necessary, it is for the legislature to change the rule (*Watkins v Olafson* [1989] 2 SCR 750). Note that the Supreme Court of Papua New Guinea has held that it is open to make such awards (*Kupil v Independent State of PNG* [1983] PNGLR 350).
Even if a state or territory allowed for the payment by way of an annuity, they have not been regarded as an attractive possibility because, under Commonwealth law, such payments would be taxable (diluting the effect of an award). For example, if an ongoing payment of $X per week was ordered, this would be regarded as taxable for income tax purposes, whereas a lump sum is a non taxable capital gain.
Recently, the Commonwealth announced its intention to provide tax relief for certain 'structured settlements' (annuities purchased by the defendant after a court made a lump sum award). The Commonwealth scheme seems to contemplate process where a defendant may, at their discretion, invest part of a lump sum in a structured settlement. The details of the Commonwealth scheme have not yet been released but, at this stage, it does not seem to require a change to state or territory law to allow the court itself to award an annuity.
(2) Upon the death of the recipient any unexpended portion of a lump sum award held by the recipient would become part of the deceased person's estate and would be distributed according to law.
(3) The unexpected early death of a recipient may amount to a windfall gain. Similarly, the unexpected longevity of a recipient may represent a shortfall in the amount awarded. In the past, this mismatch between awards and needs has tended to be dismissed as a 'swings and roundabouts' issue. The Government believes that there may be more appropriate ways of managing large lump-sum awards – typically those that involve long-term care. For example, the ACT is presently considering an innovative scheme whereby long term care costs would be removed from common law damages awards in favor of the provision of adequate long term

care to all those who are entitled to it. The proposal has attracted strong support from lawyers and insurers alike. I will report back to the Assembly in due course on the proposal.
(4) See answer (3).
(5) See answer (3).

Model litigant rules
(Question No 153)

Ms Dundas asked the Attorney-General, upon notice, on 7 May 2002.

In relation to model litigant rules:
(1) Does the ACT have model litigant rules similar to the Commonwealth.
(2) If not, does the Government intend to introduce model litigant rules.
(3) If so, what are those rules.
(4) What checks and balances exist to determine whether prosecutions by the Director of Public Prosecutions (DPP) are merit worthy.

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

(1) There are currently no formal model litigant rules or guidelines for the conduct of ACT Government legal proceedings. However, the ACT Government Solicitor and its staff are well aware of the principle of the Government acting as model litigant.
(2) I have instructed the Department of Justice and Community Safety to prepare draft model litigant guidelines which will apply to the conduct of legal proceedings on behalf of the Territory and its agencies. Those guidelines will be similar, although not identical, to the model litigant rules adopted by the Commonwealth.
(3) Not applicable.
(4) The Director of Public Prosecutions (DPP) is an independent statutory office holder. It is for the DPP to weigh up the evidence in each matter to determine merit worthiness. As an independent office holder the DPP is entitled to determine each matter free from interference from government or any other person or advisory body. The checks and balances on the DPP are twofold. First, the DPP is not compelled to prosecute every person who has been accused of a criminal offence. The DPP carefully weighs up the evidence available prior to making a decision to prosecute. Secondly, the court, whether it be a magistrate, judge or jury, ultimately determines the guilt or innocence of a person prosecuted for an offence. If the DPP's decision to prosecute is not merit worthy, the court would be expected to find that there is no case to answer following a committal hearing, or return a "not guilty" verdict following a trial.

Fireworks
(Question No 154)

Ms Dundas asked the Minister for Industrial Relations and Minister for Planning, upon notice, on 7 May 2002:

1. With regards to the sale and manufacture of fireworks, how many licenses have been issued by WorkCover over the last three years.
2. How many have WorkCover refused to issue.
3. Of the licenses that WorkCover has refused, how many have been appealed by the applicants.
4. What has been the outcome of these appeals.
5. For licenses that have been issued, has WorkCover attached any special conditions.
6. In each case, what were those conditions.
7. Did WorkCover actively oppose the appeal of their decisions.
8. If so, what were the total legal costs associated with WorkCovers appeals.
9. In each case, who conducted the appeals for WorkCover.
10. How many licenses have been issued, reissued or renewed without legal action by the applicants.
11. In answer to Question on Notice 107, paragraph 5, the Minister cites five ACT WorkCover inspectors and 'other staff within Government' who are delegated specific powers to help monitor the sale and manufacture of fireworks under the Act - what authority exists under the Act to do this.
12. How many 'others' are delegated.
13. Who delegates the power.
14. How many people/officers have been delegated in the past three years.
15. In answer to Question on Notice 107, paragraph 7, the Minister cites that the General Manager of WorkCover attended two inspections - did any legal action follow from these inspections. If so, what are those actions.
16. In answer to Question on Notice 107, paragraph 8, the Minister states that ACT WorkCover refers briefs to the Director of Public Prosecutions (DPP), how many 'briefs' have been provided by WorkCover to the Director of Public Prosecutions against individuals and companies engaged in the ACT Fireworks industry.
17. Of those briefs, how many has the DPP progressed to the point of prosecution since 1 December 1999 to the present date.
18. How many briefs has the DPP declined to prosecute since 1 December 1999 to the present date.
19. In answer to Question on Notice 107, paragraph 10, the Minister states that no figures in relation to charges and prosecutions have been compiled. The 2000-2001 Annual Report of the Office of the Occupational Health and Safety Commissioner states the cost is $0.075m due to increased legal costs, therefore what were the actual costs in the financial year 2000-2001.

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

(1) With regards to the sale and manufacture of fireworks, how many licenses have been issued by WorkCover over the last three years.

In the three years to 1 May 2002, ACT WorkCover has issued 26 licences to sell fireworks and 3 licences to manufacture fireworks. A number of these licences have subsequently been renewed during this period.

(2) How many have WorkCover refused to issue.

During the above period, the decision not to issue a licence allowing individuals and/or companies to sell fireworks to the public was made in relation to 5 applications.

Also during this period, all applicants requesting a license to manufacture fireworks were issued with a license.

(3) Of the licenses that WorkCover has refused, how many have been appealed by the applicants.

Of the 5 applications for licences to sell fireworks and for which a decision not to issue that license was made, 4 are currently subject to an appeal through the Administrative Decision Judicial Review (ADJR) process. The other decision was not appealed.

(4) What has been the outcome of these appeals.

The ADJR matter is still before the Supreme Court.

(5) For licenses that have been issued, has WorkCover attached any special conditions.

Yes. Along with the conditions placed on licenses as set out in the legislation, additional conditions may be attached to licenses to sell and manufacture; depending on the particular circumstances relating to the licence and the purposes for which the licence is sought.

(6) In each case, what were those conditions.

Due to the range of conditions that may apply to the selling and manufacturing of fireworks, the specific conditions that apply to each individual license are too numerous to cover in this document.

The conditions however may be set taking into account the individual applicant, the applicant's past performance, any current legal issues and the applicant's specific requirements. Disclosure of some license conditions would also allow the easy identification of the licensee.

Examples of the general conditions which have been applied to licenses for the selling and manufacture of fireworks over the three years areas are:

This license authorises the sale of explosives ONLY from the premises specified above in this license.

This license authorises only the sale of explosives of the types specified above in this license.

The sale under this license of any shopgoods fireworks classified under Regulation 41A is prohibited during the sale period specified in Regulation 10.

It is a condition of this license that a licensee shall require production of and inspect a document of identification (such as a driving license) from any person to whom the licensee proposes to sell fireworks for use in a State or other Territory.

The explosives are to be kept and exposed for sale in compliance with the requirements of the Dangerous Goods Act 1975 and Regulations.

The sale of fireworks under this license to the holder of a purchaser's permit issued pursuant to Regulation 57 is prohibited.

This license does NOT authorise the sale of any shopgoods fireworks classified under Regulation 65L.

This license does not allow the sale of fireworks to the holder of a purchaser's permit issued pursuant to Regulation 65J.

It is a condition of this license that the licensee make and keep records in writing of the following -
the name, age and address of any person to whom any explosive is sold for use in a State or in other Territory;

the name of the State or other Territory in which the explosives are to be used by that person;

the license or permit number, if any, which authorises that person to use the explosives in that State or other Territory;

the type of document of identification produced in accordance with the preceding conditions, and any identifying number or code on that document;

the license number of the vehicle in which the explosives are to be transported to a State or other Territory.

It is a condition of this license that the records mentioned in the immediately preceding condition are made available on request for inspection and copying by the Chief Inspector or an inspector.

It is a condition of this license that the licensee shall refuse to sell explosives said to be for use in a State or other Territory, if the proposed purchaser refuses to supply any of the information required under these conditions.

This license only authorises the licensee to sell explosives to persons authorised pursuant to the Dangerous Goods Act 1975 and the Dangerous Goods Regulation 1978.

The sale of fireworks under this license is prohibited.

This license allows the preparation of fireworks for a notified display.

(7) Did WorkCover actively oppose the appeal of their decisions.

All appeals are referred to the Government Solicitors Office and based on their advice, a decision is made as to whether to defend the decision regarding the license application. In relation to the above mentioned decisions not to grant a license, WorkCover is defending the appeal against the decisions. The appeals were included in an ADJR matter that is also dealing with a number of other issues. This matter is still before the courts.

(8) If so, what were the total legal costs associated with WorkCover's appeals.

The legal costs associated with these appeals are being incurred as a part of the broader ADJR matter. The ADJR matter is also still before the courts. It is therefore not possible to identify the specific costs being incurred by WorkCover and the Government Solicitor's Office in relation to these appeals.

(9) In each case, who conducted the appeals for WorkCover.

Each appeal is conducted by the Government Solicitors Office on behalf of WorkCover.

(10) How many licenses have been issued, reissued or renewed without legal action by the applicants.

In relation to the issue, reissue or renewal of licenses, of the 29 licences stated in the reply to question one, 2 have been the subject of legal action.

(11) In answer to Question on Notice 107, paragraph 5, the Minister cites five ACT WorkCover inspectors and 'other staff within Government' who are delegated specific powers to help monitor the sale and manufacture of fireworks under the Act - what authority exists under the Act to do this.

The authority to delegate powers to WorkCover inspectors is under Section 7 of the Dangerous Goods Act 1975.

(12) How many 'others' are delegated.

This number varies according to circumstances. For example during the Queen's Birthday selling period, staff in ACT Government Shopfronts are delegated powers to issue Shopgoods Fireworks Purchasers Permits.

As of 20 May 2002, 24 people hold delegations under the Dangerous Goods Act.

(13) Who delegates the power.

The Chief Inspector of Dangerous Goods.

(14) How many people/officers have been delegated in the past three years.

Over the past three years 100 people/officers have been delegated.

(15) In answer to Question on Notice 107, paragraph 7, the Minister cites that the General Manager of WorkCover attended two inspections - did any legal action follow from these inspections. If so, what are those actions.

Legal action followed one of these inspections. This action was taken under the Crimes Act by the Department of Public Prosecution. In that matter the manager of the premises was found guilty of assault of a female WorkCover Inspector. The person in question has since appealed the finding of guilty to the Supreme Court and the Full Bench of the Federal Court. Both appeals were dismissed.

(16) In answer to Question on Notice 107, paragraph 8, the Minister states that ACT WorkCover refers briefs to the Director of Public Prosecutions (DPP), how many 'briefs' have been provided by WorkCover to the Director of Public Prosecutions against individuals and companies engaged in the ACT Fireworks industry.

A total of 25 briefs have been referred to the DPP for prosecution under the Dangerous Goods Act and the Dangerous Goods Regulations.

(17) Of those briefs, how many has the DPP progressed to the point of prosecution since 1 December 1999 to the present date.

Since 1 December 1999 the DPP has laid charged in relation to 18 briefs.

(18) How many briefs has the DPP declined to prosecute since 1 December 1999 to the present date.

The DPP advised WorkCover that it was not prepared to prosecute on 6 of the briefs submitted.

(19) In answer to Question on Notice 107, paragraph 10, the Minister states that no figures in relation to charges and prosecutions have been compiled. The 2000-2001 Annual Report of the Office of the Occupational Health and Safety Commissioner states the cost is $0.075m due to increased legal costs, therefore what were the actual costs in the financial year 2000-2001.

In the financial year 2000-2001 WorkCover incurred legal costs of $101,000.00 for Occupational Health and Safety, Dangerous Goods, Workers' Compensation and Labour Regulations matters.

Housing stock
(Question No 155)

Ms Dundas asked the Minister for Urban Services, upon notice:

In relation to selling of housing stock:

(1) How many dwellings owned by the ACT government have been sold off in the fmancial years:

(a) 1999 - 2000;
(b) 2000 - 2001;
(c) estimated for 2001-2002; and
(d) estimated for 2002-2003,

(2) Of the dwellings estimated in financial years (1) 2001-2002 and (b) 2002-2003, how many dwellings are from:

(a) the Inner North;
(b) the Inner South;
(c) Woden and Surrounds;
(d) Belconnen and Surrounds; and
(e) Tuggeranong and Surrounds.

(3) What is the current status of ACT Housing stock and how many government owned dwellings are there in:

(a) the Inner North;
(b) the Inner South;
(c) Woden and Surrounds;
(d) Belconnen and Surrounds; and
(e) Tuggeranong and Surrounds.

(4) What is the normal process for accommodating people displaced by the selling of ACT Housing stock?

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

(1) (a) 444
(b) 200
(c) 181
(d) 176

(2)(a) (a) 52
(b) 35
(c) 18
(d) 41
(e) 35

(2)(b) In 2002/03 ACT Housing estimates that it will sell 134 dwellings at public auction and 42 dwellings to tenants in occupation. Dwellings sold at public auction must have first been vacated by the tenants. It is not possible to predict when properties will become vacant and be subsequently sold in the coming financial year. Dwellings sold to tenants are based on successful application of the tenants to purchase their ACT Housing dwelling. Once again, it is not possible to predict where successful sales to tenants will occur in 2002/03.

(3) ACT Housing stock as at 30 April 2002

(a) 2,960
(b) 1,454
(c) 1,647
(d) 3,116
(e) 2,253

(4) Except for sales to tenants, sales of single houses are normally only undertaken when the property becomes vacant or the tenant moves of his/her own volition. In other cases, tenants are offered relocation at ACT Housing's expense to suitable alternative accommodation in the tenants' area of choice. Where a large multi-unit site needs to be vacated, a dedicated on-site team is provided for tenants.

Restricted hire vehicles (Question No 156)

Ms Dundas asked the Minister for Urban Services, upon notice:

In relation to restricted hire vehicles:

(1) Is there a licensing system administered by the ACT for the operation of restricted hire vehicles.

(2) What department is responsible for the policing of the regulations of restricted hire vehicles.

(3) Since 1998, how many (a) complaints and (b) charges have been registered and initiated against operators of restricted hire vehicles.

(4) What was the nature of the complaints in 3(a).

Mr Wood: The answer to Ms Dundas' question is as follows:

1. Restricted hire cars are administered under Division 9.4 of the *Road Transport (General) Act 1999* and the *Road Transport (Hire Vehicle Services) Regulations 2000*. Restricted hire vehicles are subject to an annual fee of $142.00.
Arrangements were established many years ago to allow restricted and special occasions operators to undertake work when standard hire cars are fully booked. Under these arrangements restricted hire cars may apply for 10 licence variations and special occasions vehicles may only apply for three licences within any one year. Prior to any variations being granted the Road Transport Authority must be assured that a standard hire car would not be able to undertake the work.

2. Urban Services is responsible for policing the restricted hire vehicles legislation.

3. The Department has been unable to locate any record of written complaints lodged in the period 1998-1999. Since January 2000, there have been nine written complaints. Many investigations of alleged illegal operation have been resolved by telephone inquiries with the registered operator of the vehicle. Some investigations revealed that vehicles were not being operated as private hire cars and were being used for private functions. Two alleged illegal operators were sent warning letters and another operator was asked to show cause why an infringement notice should not be issued. A letter detailing the activities that are authorised under private hire car, restricted hire vehicle and special occasion licences was also sent to all operators in January 2000. As a general pro-active measure, in September 2001 a letter was sent to all high school and college principals asking them to advise students regarding the hiring of public vehicles for school formals. A public notice was also placed in the Canberra Times in September 2001 advising the general public about vehicles authorised to provide hire car services for school formals.

4. Most of the complaints related to alleged illegal hire car operators and one complaint was of a general nature on hire car issues.

Fireworks
(Question No 157)

Ms Dundas asked the Attorney-General, upon notice, on 7 May 2002:

(1) How many referrals has the DPP received from Workcover (or its predecessor) against people or companies engaged in the fireworks industry since 1 December 1999 to the present date.

(2) How many prosecutions have been launched by the DPP from referrals described above.

(3) Of those prosecutions launched by the DPP since 1 December 1999:

(a) How many have been completed; and
(b) What were the outcomes of each of these prosecutions;
(c) In how many matters have costs been awarded against the DPP, the Government or instrumentality statutory body of the ACT government.

(4) What is the total estimated cost of the matters described in question 3(c).

(5) How much money, since 1 December 1999 has the DPP spent on prosecutions against members of the ACT fireworks industry.

(6) When an award of costs is made against the ACT Government, what is the procedure utilised by the DPP in paying those costs.

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

1. Since 1 December 1999 to date, Workcover has referred to the Office of the DPP 25 cases involving people or companies engaged in the fireworks industry.

2. As a practice, neither the Director of Public Prosecutions nor his staff launch prosecutions following such referrals. Prosecutions are launched by the laying of an information by an officer of Workcover or a police officer or an officer of another appropriate agency. Thirty-four charges have been laid following the referrals mentioned in 1 above, thirty-three by an officer of Workcover and one by a police officer.

3.Of the prosecutions against members of the fireworks industry

(a) twenty four have been completed;

(b) one resulted in a finding of guilty; in thirteen cases the information was withdrawn and no evidence offered; in ten cases the court dismissed the prosecution; and

(c) in eleven cases, involving twenty-three charges, costs were ordered to be paid by the informant who, in the ordinary course, would be indemnified by the agency.

4. So far $3,000 has been paid. Claims totalling $213,000 have been made. This including one claim for $140,000 for which further particulars are being sought. In the others, counter-offers totalling $13,000 have been made. In the other cases, the defendants have not yet quantified their costs.

5. It is not possible to quantify the costs spent by the Director of Public Prosecutions on these prosecutions against members of the ACT fireworks industry.

6. When an award of costs is made against an informant who is a public servant indemnified by an ACT Government agency, the Magistrate may quantify the costs in the order awarding costs or more usually orders that the costs are to be as agreed or, failing agreement, to be assessed by the Magistrate. In that event, one of the prosecutors of the Director invites the defendant to quantify his, her or its costs and to particularise the basis on which the quantification has been made. A prosecutor will then assess the quantification, having regard to the work done, the significance of the matter and assessments made by the courts in similar matters. A counter-offer will usually then be made. If so, the matter may be able to be negotiated. If successful, the prosecutor will advise the agency who will usually make payment of the agreed costs directly to the defendant or his, her or its solicitor. If unsuccessful, the matter will be referred back to court for argument and assessment by the court. Once the court has assessed the costs, the prosecutor will advise the relevant agency who will arrange payment directly to the defendant or his, her or its solicitor.

Dog owners
(Question No 158)

Ms Tucker asked the Minister for Urban Services, upon notice:

In relation to the promotion of a scheme to reward responsible dog owners:

1. Is the Government commencing a scheme to reward responsible dog owners, and if so, when is the scheme commencing.
2. What is the nature of the prize/reward that will be given to selected animal owners.
3. Which company is providing the products for the prize and how was it selected.
4. Is the Government paying for these products or are they being provided for free by the company.
5. What is the total value of the products being supplied by the company
6. What services are being provided by the Government to the company in exchange for the products, for example, advertising
7. How was the scheme developed and, in particular did any pet product suppliers approach the Government to initiate this scheme.

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

(1) Is the Government commencing a scheme to reward responsible dog owners, and if so, when is the scheme commencing.

Environment ACT and Domestic Animal Services commenced a scheme to reward responsible dog owners in early May 2002. The purpose of the scheme is to promote the ACT's dog legislation, by providing positive publicity through acknowledging and rewarding responsible dog owners.

(2) What is the nature of the prize/reward that will be given to selected animal owners.

Eight sample bags containing pet product samples are being distributed each week for six months. Each month, a 'winner' will be chosen from the previous four weeks. The monthly prize wi11 consist of a small basket of product samples, and a free dog wash from a local business. At the end of the six months, a grand prize will be offered. The nature of the grand prize is yet to be fully determined, although it will include two dog training sessions and a dog wash.

(3) Which company is providing the products for the prize and how was it selected.

A number of businesses are supplying prizes. These include Pedigree Pal (Uncle Bens), and two local 'pet industry' businesses. These companies were among a number of local and national businesses approached by Environment ACT and Domestic Animal Services.

(4) Is the Government paying for these products or are they being provided for free by the company.

The businesses are providing these products free of charge.

(5) What is the total value of the products being supplied by the company

Environment ACT does not have a value for the prizes provided by Pedigree Pal. However, it is estimated that the value would be in the vicinity of $1100. The value of the prizes provided by local business would be in the vicinity of $300.

(6) What services are being provided by the Government to the company in exchange for the products, for example, advertising

No services are being provided or promoted by the Government in exchange for the products, including advertising.

(7) How was the scheme developed and, in particular did any pet product suppliers approach the Government to initiate this scheme.

The scheme was initiated by Environment ACT after noting that a similar scheme was successfully operating in the Northern Territory. No suppliers or businesses approached the ACT Government.

Water and sewerage assets (Question No 159)

Ms Tucker asked the Treasurer, upon notice, on 8 May 2002:

In relation to his response to Question No. 139 regarding the contract between ACTEW and ActewAGL for the management of ACTEW's water and sewerage assets and services:

(1) How long is the Government prepared to continue the phase one contract if an agreement cannot be reached with AGL on the terms of the phase two contract by the proposed date of 30 September 2004.

(2) Can the phase one contract be terminated by ACTEW if no agreement can be reached in a reasonable time on the terms of the phase two contract.

(3) Can the phase one contract be terminated for any reason, independently of the rest of the ActewAGL joint venture; if so, can you provide a full description of the circumstances in which the contract can be terminated.

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

(1) The Government is prepared to see the arrangements stay in place while they benefit the ACT community, however, this is primarily an issue for ACTEW and I am advised that negotiations are underway in respect of the Phase two contract. ACTEW expects that the negotiations will be completed sooner rather than later.

(2) Yes.

(3) The Phase one contract can be terminated independently of the rest of the ActewAGL joint venture under the following circumstances:

ACTEW may give a notice of termination to ActewAGL if ActewAGL:

(a) commits a Material Breach of this agreement and fails to remedy that breach within a specified time (unless that breach has no material impact on Water and Sewerage Business); or

(b) commits four or more breaches of performance standards under this agreement in any one year; or

(c) an Insolvency Event occurs in respect of the Joint Venture Company; or

(D) the Joint Venture Company assigns or transfers its rights or obligations under this agreement otherwise than in accordance with the agreement.

ActewAGL may give notice of termination to ACTEW if:

(a) ACTEW fails to pay any amount payable to ActewAGL under this agreement and does not remedy that breach within a specified time; or

(b) ACTEW commits a Material Breach of this agreement and fails to remedy that breach within a specified time, unless that breach has no material impact on the Joint Venture Company's business; or

(c) an Insolvency Event occurs in respect of ACTEW.

Either party may give the other a notice of termination of this agreement if the Joint Venture Management Committee and the ACTEW Board fail to agree on a resolution of a dispute arising in respect of some issue relating to the agreement (including moving to a Phase two agreement).