DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 August 2002

Thursday, 22 August 2002

Answers to questions:

Thursday, 22 August 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.

Cooperatives 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) (10.33): I move:

> That this bill be agreed to in principle.

Mr Speaker, a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise. Cooperatives are user-owned businesses. Cooperative organisations are recognised in over 100 countries. In Australia a cooperative is an incorporated body, generally registered under state or territory law.

The current ACT legislation regulating cooperative societies was made at the commencement of World War II, more than 60 years ago. While often amended, many of the amendments today appear to have been done on the run, during the demutualisation frenzy of decades past. The resultant patchwork of provisions has not served the people of the ACT well. The existing act has gradually fallen into general disuse. There are only three local cooperatives registered under the existing law.

This is an unfortunate state—in other jurisdictions, cooperatives are a commonly used form of community or business platform. For example, in Victoria, there are more than 1,000 cooperative societies with total assets of more than $150 million. Many of these cooperatives are set up for the purpose of community advancement and trading. Some are engaged in community settlement and primary production activities. Apart from rural industries, cooperative activity in other states ranges across childcare, housing, community radio, service-group federations and many other groups that provide services to the community. In comparison, the existing ACT law has clearly failed to meet the needs of the community. Accordingly, the government is pleased to see this measure considered by the Assembly.

There have been a number of attempts in Australia and the ACT to review the current legislative arrangements for cooperatives. General consideration as to the consistency of cooperatives legislation around Australia has been discussed at ministerial level since 1990. The consultation has been wide ranging and many industry suggestions are incorporated into the bill. More recently, in March 2000, the former government tabled

the Cooperatives Bill 2000. At that time, debate on the bill was adjourned until the former government brought forward a second bill in August 2001.

While the legislation was not debated at that stage, this was not because of any particular controversy in relation to the proposal. Most other Australian jurisdictions have enacted new legislation reforming their cooperatives legislation through a comprehensive set of core consistent provisions. Indeed, this legislation is part of a process whereby each state and territory, by consensus, has moved or is moving towards consistent cooperative legislation.

The purpose of the bill is to provide a legislative framework for the formation, registration and management of cooperatives which enables flexibility in the operation of and promotes the development of cooperatives.

However, because of the importance of this proposed legislation and the fact that it introduces new and significant changes to a number of existing provisions which have been in the current legislation for a considerable period of time, I will take this opportunity to detail some of the important policy issues contained in the bill. The principal policy intentions of the new Cooperatives Bill are:

- to provide that incorporation as a cooperative be a right available to any group wishing to have the benefits of cooperation and willing to abide by traditional cooperative principles

- to enable cooperatives to have wider corporate powers by providing them with the powers of a natural person, a situation equivalent to corporations. (Such powers are to be exercised within traditional cooperative principles.)

- to maintain the principle of active member control of cooperatives, including "one member, one vote", as central to the operation and control of cooperatives

- to provide for cooperatives to have similar general standards to those applying to corporations in regard to dealings with or reporting on activities concerning third parties (This includes providing for similar general standards for directors of cooperatives as those applying to directors of similar-sized corporations.)

- to provide cooperatives with a clearer range of alternatives in regard to determining the optimal capital structure to best service the needs of the members (This will ensure that cooperatives remain competitive with other forms of incorporation.)

- to enable cooperatives to merge, transfer engagements or be wholly acquired, but only if the substantial majority of active members, when fully informed, desire such a course (These options will be available regardless of whether the other party is local or interstate.)

- to provide for the cooperative legislation to recognise specifically the separate registration and operation of interstate cooperative organisations in this jurisdiction; and

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- to strengthen the registrar's powers to undertake investigations and enforcement to ensure that the interests of cooperatives, their members and the public generally are protected.

These proposals form the basis of national core consistent provisions requested by the Commonwealth to be adopted by all participating states and territories to enable the rollback of the application of the Corporations Act to allow cooperatives to fully operate under state and territory legislation.

The bill is divided into parts and divisions. The first part of 20 parts deals with preliminary matters, including a statement of objectives for the bill. These objects are to:

> (a) enable the formation, registration and operation of cooperatives; and
>
> (b) promote cooperative philosophy, principles, practices and objectives; and
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> (c) protect the interests of cooperatives, their members and the public in the operations and activities of cooperatives; and
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> (d) ensure that the directors of cooperatives are accountable for their actions and decisions to the members of cooperatives; and
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> (e) encourage and facilitate self-management by cooperatives at all levels; and
>
> (f) encourage the development, integration and strengthening of cooperatives at local, regional, national and international levels by supporting and fostering Territory, State and national peak organisations and cooperative instrumentalities.

The seven cooperative principles are set out in part 1 of the bill. In summary, these principles are voluntary association and open membership; democratic control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for the community. If there is a problem interpreting the bill in a particular situation, a construction which would promote cooperative principles is to be preferred to an interpretation that would not. The application of the Corporations Act to cooperatives, whether they operate within the ACT or interstate, is also clearly defined.

The bill, either by direct reference or by inclusion, has adopted many of the provisions of the Corporations Act. Part 2 of the bill provides for the formation of cooperatives, associations and federations of cooperatives. A cooperative may be either trading or non-trading, depending upon its rules. A trading cooperative is one that gives returns or distributions on share capital. A non-trading cooperative is one that does not give returns or distributions on surplus or share capital, other than the nominal value of shares, if any, at winding up. The division of types of cooperatives is to facilitate different levels of compliance with the legislation in relation to disclosure in fundraising activities. Non-trading cooperatives are the traditional not-for-profit organisations which exist for the purposes of community benefit rather than individual profit.

A non-trading cooperative may trade but the benefits to the members flowing from the activities of the cooperative—for example, provision of child-care facilities or community radio—are not direct financial returns. Surpluses must be retained by the cooperative and must not be distributed to members. The investment in the cooperative does not result in a financial return and therefore a modified disclosure regime has been proposed. Trading cooperatives, however, exist for the purpose of maximising the financial position of the member through the services offered. Trading cooperatives, therefore, have a higher level of disclosure.

Part 2 also provides for the transfer of incorporation of a body corporate to a cooperative.

Part 3 of the bill provides for the legal capacity and powers of cooperatives. Traditionally, cooperative legislation has been somewhat paternalistic in character. The new bill provides wider corporate powers than cooperatives currently enjoy. Part 3 also sets out the general powers that a cooperative has as a body corporate. The bill provides that a cooperative has the legal capacity of a natural person. A similar regime to that which exists in the Corporations Act for persons having dealings with the cooperative is also provided in part 3 of the bill. A cooperative may also still apply for a government guarantee in respect of any loan.

Part 4 deals with membership of the cooperative. The rules of the cooperative must provide for a grievance procedure in relation to disputes under the rules of the cooperative, and application may also be made to the Supreme Court to settle disputes. Remedies in relation to oppressive conduct of affairs and statutory derivative actions are also provided for.

Part 5 of the bill provides for the rules of a cooperative to constitute a contract between the cooperative and each member. This part also provides for certain specified matters and regulations to be made by prescribing model rules.

Part 6 of the bill deals with active membership. Active membership arises out of the cooperative principle of member economic participation and ensures that only those members actively participating in the cooperative control the cooperative.

The active member provisions were introduced into the New South Wales Co-operation Act 1923 during 1987, with some further refinement occurring in 1988, and into the New South Wales Cooperatives Act 1992. If a member's whereabouts are not known to the cooperative or the member has not fulfilled the active membership obligations under the rules of the cooperative for a period of three years, or less if the rules so provide, the board is required to cancel the membership of the member and repay the amount due to the member in respect of that cancellation.

If repayment would adversely affect the financial position of the cooperative, the board may convert the amount due to deposit or debenture. The deposit or debenture must be repaid within 10 years. However, a member of a trading cooperative whose membership has been cancelled under this part is still considered to be a member for certain purposes for a period of five years.

Part 7 of the bill deals with cooperatives share capital. It provides for the issue of shares, the disclosure of beneficial and non-beneficial interests in shares and the procedure involved in the transfer of shares, as well as the repurchase of shares. Part of the interface arrangements with the Corporations Act requires that shares may not be held by non-members.

Part 8 of the bill deals with voting. Cooperatives are democratic organisations. This part makes it clear that each member of the cooperative will have only one vote. Voting rights attach to membership, not to shareholding. This part of the bill also provides for the holding of meetings and the passing of resolutions. An ordinary resolution is passed by a simple majority. A special resolution is that passed by a two-thirds majority at a meeting or by post; certain special resolutions must be held by special postal ballot, and this requires a three-quarters majority. A required majority is ascertained by the number of members who at a meeting or in a postal ballot actually vote on the resolution.

Part 9 deals with the management and administration of cooperatives. In particular, it provides for the election of directors and includes provisions for a limited of number of independent directors to be elected to the boards of cooperatives. The majority of directors will still need to be members. Such independent directors will bring additional expertise to the operation of cooperatives either by virtue of being an employee of the cooperative or as otherwise determined in the rules. This part also deals with the duties and responsibilities of directors, and the keeping and auditing of accounts and registers, records and returns.

Part 10 of the bill deals with the funds and property of the cooperatives. Division 1 of this part makes it clear that a cooperative may only obtain financial accommodation, which includes the obtaining of credit or borrowing or raising money by any means, or give security for the repayment of money as provided by its rules and in accordance with the regulations.

The registrar may give a cooperative directions as to the obtaining, repayment or refinancing of financial accommodation. The bill provides for deposit-taking by cooperatives if the cooperative currently has a deposit-taking power. It is intended that existing cooperatives without a deposit-taking power and all new cooperatives will not be able to accept deposits in view of the movement of financial cooperatives to the Financial Institutions Code. Cooperatives may obtain financial accommodation by way of debentures from both non-members and members under appropriate disclosure regimes. Part 10 also provides for the registration of charges and matters in relation to receivers and other controllers of property of cooperatives.

Part 11 of the bill deals with restrictions on the acquisition of shares in cooperatives. The provisions apply only to trading cooperatives. Division 1 sets out requirements relating to relevant interests in the voting rights or shares of members. A relevant interest is not to exceed 20 per cent of the nominal value of the issued share capital of the cooperative. The registrar may increase the maximum percentage in a particular case or approve a special resolution by special postal ballot increasing the maximum percentage. Division 2 of this part places restrictions on offers to purchase shares in a cooperative.

Part 11 is designed to ensure that adequate information on matters relating to shares and voting entitlements is available to all members or other concerned persons. The provisions in this bill do not prevent a cooperative from being taken over. They do, however, ensure that all relevant information relating to such takeovers, including various share or voting entitlements, are made public, thus enabling active members to make a fully informed decision in any particular case.

Part 12 of the bill provides for mergers, transfers of engagements, transfers of incorporation, winding up, and appointment of administrators.

Part 13 provides for arrangements and reconstructions.

Part 14 of the bill introduces new provisions in relation to foreign cooperatives. A foreign cooperative may be either a participating cooperative or from a non-participating jurisdiction. A participating cooperative is a cooperative registered under a cooperatives law. It is intended that a cooperatives law, for the purpose of this part, is a law that has been enacted that contains the core consistent provisions of the bill. The core consistent provisions are those that are subject to an intergovernmental arrangement.

Non-participating jurisdictions include overseas jurisdictions to enable registration of a cooperative from outside Australia for the first time. All foreign cooperatives registered under this part are to be subject to at least the prescribed core consistent provisions. Provision has also been included for a cooperative and a foreign cooperative to consolidate all or any of their assets, liabilities and undertakings by way of merger or transfer of engagements.

Part 15 deals with the supervision and inspection of cooperatives and the holding of inquiries into cooperatives. In general terms, the provisions dealing with inspection and supervision of cooperatives have been strengthened to ensure that the general interests of members and the public are better protected.

Part 16 deals with the administration of this bill and the specific functions of the registrar. These provisions form part of the core consistent provisions.

Part 17 provides for offences and proceedings and part 18 deals with general matters in connection with the administration of the bill. Parts 19 and 20 deal with general transitional matters.

Overall, this bill will assist the local cooperative sector and cooperative societies in general as a form of business and community activity.

I commend the Cooperatives Bill to the Assembly.

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

Law Reform (Miscellaneous Provisions) 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) (10.49): I move:

> That this bill be agreed to in principle.

Mr Speaker, the Law Reform (Miscellaneous Provisions) Amendment Bill 2002 abolishes three ancient common law actions: maintenance, champerty and being a common barrator. These doctrines are already on their final legs. In 1996 our Supreme Court treated maintenance and champerty as having little current relevant to the ACT law. There have been no recent reported cases involving maintenance, champerty or being a common barrator. This bill completes the process of abolishing these old doctrines.

Originally the common law developed these doctrines to deal with particular types of abuse of the judicial system. In feudal times, the common law was concerned to prevent a third person from "buying into" a dispute between two other people. The common law prevented a person, generally someone with great power, from lending financial support to one side in a legal dispute. This type of behaviour was called "maintenance" and the common law treated it initially as a crime. Later it was also recognised as a civil wrong.

The common law was particularly concerned about such behaviour if the person offering support did so in order to get some sort of valuable benefit. For example, the law strongly opposed cases where a powerful person assisted one side in a dispute in the expectation that they would receive some advantage in the result. This type of behaviour was called "champerty".

Finally, the common law was opposed to all types of quarrelsome behaviour that might lead to discord (the common law opposed both nags and common scolds alike). This bill abolishes the old common law offence of being a "common barrator". This was the offence of habitually moving, exciting or maintaining suits or quarrels. For example, it was an offence to suggest to someone on a number of occasions that they should sue another person. Over the years, these old common law doctrines have slowly waned in relevance in the face of renewed interest in access to justice. This process was well advanced by 1876, when the Privy Council observed:

> … a fair agreement to supply funds to carry on a suit in consideration of having a share of the property, if recovered, ought not to be regarded as being, per se, opposed to public policy. Indeed, cases may be easily supposed in which it would be in furtherance of right and justice, and necessary to resist oppression, that a suitor who had a just title to property, and no means except the property itself, should be assisted in this manner.

Today the common law doctrines have been displaced by concerns about ensuring access to justice. In 1997 the Federal Court summed up the development of the law over the past century, noting:

> … concerns expressed earlier this century, as to the potential for the maintenance of actions to give rise to an increase in litigation, might now be considered of lesser importance than the problems which face the ordinary litigant in funding litigation and gaining access to the Courts.

As the old common law doctrines have waned, our courts have designed appropriate rules to deal with current issues. In 1996 the Full Court of the ACT Supreme Court set out new rules of conduct in speculative actions on the basis that the doctrines had ceased to be relevant in the ACT. In developing this area of its inherent jurisdiction, the court noted:

> … the recognition by the courts and by the legal profession itself of the propriety of the speculative action by no means requires or justifies a relaxation of the standards of professional conduct on the part of lawyers who are prepared to act for plaintiffs on a speculative basis. The conflicts of interest remain, and the need for the solicitor to act, aware of the conflicts and astute to the fiduciary role, is not diminished.

Both the offence and tort of maintenance, and of champerty, have been formally abolished in many Australian and overseas jurisdictions. Most recently, in 1995, together with the common law offence of being a common barrator, they were abolished in New South Wales.

Mr Speaker, I commend the bill to the Assembly.

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

Public Access to Government Contracts 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) (10.53): I move:

> That this bill be agreed to in principle.

I present to the Assembly the Public Access to Government Contracts Amendment Bill 2002 which delivers on the commitment made in the government response to the Standing Committee on Finance and Public Administration's Report No 28 on the Public Access to Government Contracts Act 2000.

In its response to the report, the government stated that it fully supports the principles expressed in the committee's recommendations and would prepare an amendment to the Public Access to Government Contracts Act 2000 in order to (a) confirm the responsibilities of chief executive officers to put in place appropriate measures to ensure compliance with the requirements of the act, and (b) specify agency reporting requirements under the act.

The Public Access to Government Contracts Amendment Bill 2002 does this. It confirms the responsibility of chief executive officers to ensure that their agency complies with the act, and it specifies the following reporting requirements: at the end of each six-month reporting period, government agencies are required to provide the Auditor-General with a list of all government contracts containing a confidentiality clause entered into by the agency during the six-month period, or a statement to the Auditor-General that the agency did not enter into any contracts containing a confidentiality clause during the six-month period.

This reporting requirement will be introduced for the next full six-month reporting period, which commences on 22 December 2002 and finishes on 21 June 2003. In addition to introducing this amendment, the government also agreed to the other recommendations made in Report No 28 of the Standing Committee on Public Finance and Administration—an excellent report, I might add—including establishing a review team to examine the operation of the act.

This review will be reporting to the government later this year. Following receipt of this report the government will be able to determine whether other actions are required to improve the operation of this act. If any further changes to the legislation are proposed, it is expected that they will be brought forward to the Assembly for consideration during the autumn 2003 sitting.

In presenting this bill the government is demonstrating its commitment to transparency and accountability in all aspects of government procurement. I commend the Public Access to Government Contracts Amendment Bill 2002 to the Assembly.

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

Financial Management 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) (10.57): I move:

> That this bill be agreed to in principle.

Mr Speaker, today I am introducing the Financial Management Amendment Bill 2002. This bill provides for a number of amendments to the Financial Management Act 1996. The Financial Management Act is the cornerstone of the territory's financial reporting and accountability framework. It is therefore important to ensure that the act helps to provide a fundamentally sound financial management framework within which the territory can operate, and that the obligations imposed by the act are clear and unambiguous.

It is with this challenge in mind that the Department of Treasury is conducting a review of the Financial Management Act. The previous Assembly passed a number of amendments flowing from the first part of this review last year. These amendments focused on technical amendments to the act required to eliminate ambiguities and avoid technical breaches of the act.

Today, with the Financial Management Amendment Bill, I am tabling amendments dealing with the next part of the review. This second part of the review focused on a number of issues that had greater policy implications or complexity. The amendments for which this bill provides will achieve a number of goals. The proposed amendments will clarify the responsibilities of the chief executive in relation to the financial targets they are required to achieve, allow performance criteria to be varied under particular circumstances, and allow Commonwealth payments for specific purposes to be efficiently passed on to departments.

The proposed amendments will also remove redundant requirements within the act, particularly the need for warrants and the ability, under certain circumstances, to make payments in advance of appropriation.

Finally, the proposed amendments will further strengthen financial management accountability by requiring the reporting of particular information in the case of waivers of appropriated loans, allowing the executive to direct the transfer of monies from various banking accounts, and providing for the earlier completion of the territory's audited annual financial statements.

I would now like to deal with the detail of the major amendments provided for in this bill. Section 31 of the act provides that the chief executives are responsible for ensuring that the operations of a department give a financial result that is in accordance with the estimates contained in the budget papers. The budget papers, however, contain a range of financial results that may be applied to the operations of each department. Section 31 has therefore been criticised as being ambiguous.

To help address this issue, the budget papers will, in future, clearly specify which key financial targets the chief executive is responsible for achieving. This initiative was, in fact, introduced in the budget papers tabled in the Assembly on 25 May 2002. This will now be supported by amendments to section 31 of the act—and, if I might adlib, there is, I think, constructive comment in the Estimates Committee report in this area.

To ensure that these key financial targets remain relevant—where, for example, a department's appropriations have been adjusted during the year due to administrative arrangements orders—the amendments will allow the Treasurer to amend, by instrument, these key financial targets. Further, so that appropriate and timely accountability is maintained, these amendments also provide that an instrument varying these key financial targets will be a notifiable instrument and will therefore be available on the ACT Legislation Register.

The act contains several provisions that allow for appropriations to a department to be varied or transferred between either departments or output classes. The act, however, contains no provision to allow the performance criteria for the delivery of outputs to also be varied to reflect those changes in appropriations. Departments may also need to vary

performance criteria where there has been a change in departmental priorities or more appropriate methods of performance measurement have been identified. Again, the act contains no provisions to accommodate this.

The amendments proposed in this bill allow responsible ministers to amend, by instrument, a department's performance criteria. To ensure that appropriate accountability is maintained, these amendments also provide that the instrument varying the department's performance criteria will be a notifiable instrument and will therefore be available for scrutiny on the ACT Legislation Register.

Further, the amendments provide that any changes made to a department's performance criteria must be made in a form which facilitates comparison with the budget. This will ensure that the current principle is maintained of annual financial reports being presented in a form that facilitates comparison with the budget.

The report of the Select Committee on Estimates of April 2001—it says here "2002" and I am assuming that that is a misprint and it meant 2001—recommended, at recommendation No 3, that the act be amended "so that appropriations made by the Commonwealth to the territory for specific purposes may be adjusted as if the appropriations had been specified to be specific purpose payments". Amendments proposed in this bill to section 17 of the act implement this recommendation.

The Financial Management Act currently provides that money may be paid out of the territory bank account only if authorised by a warrant signed in accordance with an appropriation. The intent of these provisions is to ensure that there is a central control mechanism that empowers the Treasurer to limit the transfer of money from the territory banking account and thereby ensure compliance with appropriations.

The use of these warrant provisions has, however, led to inconsistencies occurring within the act. This is due to other provisions within the act, such as those dealing with payments to the Commonwealth in respect of GST liabilities, which allow for payments to be made out of the territory banking account without appropriation. As a warrant can only be signed in accordance with an appropriation, a warrant cannot therefore be issued for these payments, making it legally impossible for money to leave the territory banking account for these payments. These inconsistencies have necessitated the Department of Treasury reviewing and evaluating the ongoing value and relevance of a warrant as a cash control mechanism.

The use of warrants has been seen as adding little extra in value as a cash control mechanism, and has long since been abandoned in favour of administrative controls, in a number of jurisdictions, including New South Wales, Queensland, South Australia and the Northern Territory. In the ACT, the Department of Treasury imposes strict administrative control procedures to ensure that cash is not released from the territory banking account unless it is in accordance with an appropriation or other provisions of the Financial Management Act. These procedures provide for the segregation of duties between individual Treasury officers and for the undertaking of a series of cross-checks before any money is released from the territory banking account.

Also, departmental chief executive officers provide detailed information of their cash funding needs, which Treasury monitors and reconciles with appropriation schedules. Warrants, on the other hand, are generally issued at the beginning of the financial year for the full amount of the appropriation in the appropriation act. In practical terms, therefore, warrant has existed only as a ceremonial process for many years, without providing any additional rigour in administrative controls that already exist for the disbursement of cash.

Amendments proposed in this bill provide for the removal of the requirement for a warrant to be signed in order to authorise a payment of money from the territory banking account. These amendments recognise that the use of warrant provides little effective additional value to other cash disbursement controls and remove a number of internal inconsistencies within the act. To ensure that there is an effective overall control mechanism for the disbursement of public money, the requirement will be retained that payments of public money from the territory banking account can be made only in accordance with an appropriation or other enabling provision of the Financial Management Act or other legislation.

Section 18A of the act allows for payments to be made in anticipation of appropriation. This section was introduced to allow departments to anticipate an approved appropriation and thereby meet contractual obligations that required payment in June to take advantage of any discounts. This section undermines the integrity of the budget process, whereby expenditures are closely evaluated, and the Legislative Assembly's role in scrutinising appropriations. Further, expenditure of the nature envisaged under this section could be appropriately authorised only either by a Treasurer's Advance or supplementary appropriation. Amendments proposed in this bill therefore provide for section 18A to be deleted from the act.

The act currently provides that, where a department has appropriated a repayable loan, the budget papers must include a statement that sets out the conditions under which a repayable loan is to be given, including the requirement regarding the time within which the loan must be repaid. The act is, however, silent on what the disclosure requirements are, should the conditions of a repayable loan change. This government believes it is appropriate that, where the conditions of an appropriated repayable loan are varied over the term of that loan, the act should provide for some mechanism of accountability to the Legislative Assembly.

Amendments proposed in this bill, therefore, provide that, where the Treasurer amends the conditions of an appropriated repayable loan, he must do so in writing and state the reasons for making the amendment. The amendments also provide that the Treasurer's written statement of reasons is a notifiable instrument and will therefore be available for scrutiny on the ACT Legislation Register. Further, the amendments provide that, where the conditions of an appropriated repayable loan have been varied over the year, the department's annual report must include a statement of the change and the reasons for the change. These amendments will ensure that this Assembly is constantly kept up to date on any changes to conditions applying to these types of repayable loans.

The act allows departments to establish their own departmental banking accounts. This is premised on the principle of devolution of cash management to individual departments. As members would be aware, it is into these departmental accounts that appropriated

funds are paid from the territory banking account to enable departments to implement government policy. There may, however, be circumstances where departments have received appropriated funding for projects that were subsequently not undertaken, or where departments have achieved significant savings. In these instances, departments will have surplus cash in their bank accounts which is not required to fund the original purpose for which it was appropriated. It is appropriate that, where departments cannot justify these cash surpluses, the government should have the ability to decide upon the best use for that cash across the government service.

The government may wish to transfer the surplus cash back to the territory banking account. The act, however, currently does not provide a means for such cash surpluses to be paid out of departmental banking accounts into the territory banking account. Amendments proposed in this bill allow the executive to issue a direction that money be transferred from a departmental account to the territory banking account. This will ensure the best use of cash across the ACT government.

Members will be aware that the Financial Management Act 1996 allows the government four months after the end of a financial year to prepare the consolidated financial statements of the territory, and a further one month to be audited. This means that the audited statements are usually tabled in the Assembly in the December sittings. This is some five months after the end of the year on which they are reporting. The government believes that the presentation of annual financial statements under this timeframe has the potential for the statements to be less useful to many users.

Amendments proposed in this bill, therefore, facilitate the bringing forward of the presentation of the territory's whole-of-government audited financial statements. The amendments will achieve this by, firstly, reducing the time, from four to three months after the end of the financial year, in which the Treasurer is required to provide the Auditor-General with a copy of the territory's annual financial statements. Secondly, the amendments proposed in this bill remove the requirement for the Auditor-General to provide an audit opinion on departments' and territory authorities' annual financial statements, including performance measures, within 30 days of receiving those statements.

Instead, the Auditor-General will be required to provide an audit opinion as soon as practicable after receiving these statements. This will allow the Auditor-General to complete auditing agencies' financial statements before commencing the audit of agencies' performance measures. Splitting of this audit process will allow Treasury to undertake earlier its consolidation tasks, based on agencies' audited financial statements.

As I have said earlier, these amendments flow from the review of the act that is still being undertaken by the Department of Treasury. It is expected that further amendments will flow from this review and be presented to this Assembly later this calendar year. In conclusion, I reiterate that the amendments proposed in this bill reflect a commitment to accountability, prudent fiscal management and improved transparency and disclosure.

I trust that members will support this bill. I commend this bill to the Assembly.

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

Planning and Environment—Standing Committee
Report No 4

Debate resumed from 14 May 2002, on motion by **Mrs Dunne**:

> That the report be noted.

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

Budget consultation
Reports of standing committees—government response

Debate resumed from 25 June 2002, on motion by **Mr Quinlan**:

> That the Assembly takes note of the paper.

MR HUMPHRIES (Leader of the Opposition) (11.13): Mr Speaker, the government response to the budget consultation reports of the various standing committees, together with the Estimates Committee report, which was tabled on Tuesday this week, in a sense brings to a close the process of the development of the budget. The exercise that went on before the budget was handed down is now substantially completed. The only work that remains for the Assembly to do is to consider and pass the budget—next week, presumably. Therefore, it is appropriate at this juncture to comment on how effective that process has been.

In the election campaign last year, the then opposition—now government—was highly critical about the budget consultation exercises that had been undertaken by the former Liberal government. It made lots of comments, and it promised an improved consultation process. A "real" consultation process was promised as part of this exercise.

What has resulted, to be quite frank, is less than satisfactory. It is an exercise that could in no way be regarded as an opportunity for people to sit down with the government with any sense of equality or partnership and attempt to develop the sort of document that the budget will be. This was most conspicuous in the way the budget consultation documents were produced for the standing committees that looked into these matters. The Estimates Committee made a quite pointed comment about that. I quote:

> The Chief Minister was asked about the budget consultation process, but avoided responding directly to the question. The Committee is of the opinion, however, that the budget consultation documents were issued so late in the consultation process that little real consultation could have taken place. The Committee also notes comments to a similar effect by a number of the Legislative Assembly's Standing Committees. The Committee is concerned that a pattern appears to be forming in that documents relating to the budget are being produced late. The Committee also found problems in the fact that community groups appeared only in the later stages of the public hearings, which meant that there was little opportunity for the issues they raised to be put to the relevant Ministers.

The recommendation was made there that community groups be heard early in the process in future estimates exercises. That, however, is not the point. I think it remains the case that all involved in the exercise took the view that there needs to be some

enhancement of the exercise involving community consultation. The Assembly committees that looked at these issues, perhaps as a result of a lack of framework or direction, took vastly diverse approaches to confronting their task.

Going back one step for a moment, the government mentions, in its introduction to its response to the standing committee reports, that there was an exercise in the government directly receiving submissions from the community about the budget. It mentions that a letter was sent by the Treasurer inviting community and business groups to provide input to the budget priorities; that there were 33 submissions received by the government itself from community, business, sport, union and environmental groups; and it mentions that some of these organisation also made comments—sometimes the same comments—to Assembly committees.

Obviously, the comments that were made directly to the government are not on the public record. We can only assume that people made these comments, where they sent them to both bodies, in similar terms. In regard to those who did not make comments to Assembly committees, we do not know what they said or how what they said dovetails with what was being discussed or considered by committees of the Assembly.

What does not appear to be part of this process are systematic, face-to-face meetings with the organisations concerned. It was a practice for a number of years in the Follett government to both invite submissions from members of the community and have a round of meetings. As I recall it—you would know, Mr Speaker; you were in that government—it was the practice of the government to have meetings with those who made submissions and discuss what the issues would be and what kinds of things people expected from the budget for that year.

For a period, after 1995, the Liberal government also engaged in that practice. It changed that later on, as a different exercise was undertaken. Nonetheless, that occurred. As far as I can see, that has not occurred in this exercise. The Treasurer might indicate whether that is not the case but, as far as I could see, there was simply the receiving of written documents and then the receiving of reports from the standing committees. That was the basis on which decisions were made.

Perhaps as a result of the lack of framework or structure, a total of over $53 million in funding requests was made by organisations in their submissions to government. Although no-one has produced a figure, I dare say that only a small fraction of those requests was satisfied by way of promises or commitments delivered in the budget itself.

The very lateness of the government's consultation documents, written for the benefit of the committees, plus the lack of any structure before that point led to a quite diverse range of approaches on the part of the standing committees. Some of the standing committees made substantive judgments about the submissions that were put before them in the way of documents and the submissions made orally to particular committees. They examined them and gave credence to particular claims. Other committees, quite frankly, simply operated as a postbox, saying that the government should consider seriously all the submissions that were made to them.

I do not blame any committee for taking either of those approaches; I blame the government because it needed to have provided more framework for what was supposed to be taking place here.

Committees did not know how much was likely to be spent in these areas or whether the government was targeting certain areas, except in very general terms. The budget consultation documents, once delivered, albeit very late, did not really answer those questions either. They just described the general budget parameters in a way which I think was less than helpful. No key dates were provided in the consultation process, little guidance was given on key issues, errors of information were made in the paper itself and assumptions were made about the community's knowledge of different issues, which perhaps were not justified in the circumstances.

As a small digression, the process used in previous years, for all its faults, was far superior. People had the chance of seeing something of what the government was thinking before the documents were produced in their final form, when the budget was delivered.

Going on to the government response, the government notes and makes general reflections on a number of things that have been raised by committees. The response to recommendation No 1, which dealt with submissions made to the Standing Committee on Education, says:

> The government has seriously examined the report of the Standing Committee and the submissions received during the course of the committee's inquiry. These valuable contributions were the subject of close scrutiny by the appropriate agencies and have been woven into the budget development process.

To the extent that it tells us anything, it indicates a positive approach by the government—but, frankly, not much more.

The whole picture here is one of considerable lack of clarity and a very general kind of exercise: "We ask you to say something, you hear what we say and then we deliver our budget." I do not think that the community gets much value out of a process as amorphous as that.

There will be endless debate about budget processes in the future, but I simply say to the government that in many respects this process should not be used as a model again and that there are better ways of doing it. It might not be the way the former government did it—Mr Quinlan will tell us he thinks that the former government's exercise was a sham—but, with great respect, it is time for the new government to move on to what it is going to do for itself of a positive nature and tell the community how it will deliver a more meaningful budget process. I think there will be few committee members in this Assembly who think that the exercise used this year has been outstanding.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.23), in reply: I thank Mr Humphries for his comments. I guess they are pretty standard for the usual set piece that is played. We will accept all of those comments for consideration, but it is important to reflect that a recently elected

government has come in, election commitments were made and published and the projected bottom line for those commitments was also published, commented upon and debated.

As with every year, the room to move is generally not wide, and I think we appreciate that there will be frustration. There were $53 million worth of suggestions in the 33 submissions that the government received directly. If you extend that by the commitments specifically mentioned in the minimum of 55 submissions additionally received by the committees, there is clearly going to be a level of claim and probable disappointment each year. Nevertheless, the lesson we learned from however we like to describe what started out as the draft budget process—and I do not intend to go through analysis of that again—was that the various organisations that appeared before committees appreciated the opportunity to do so and to do so publicly. Should they have had suggestions and particular points that they wished to make, they were able make them in a public forum.

There is very little evidence to support any notion that the draft budget process has had significant impact upon the budget of the moment. It certainly does have an impact upon government thinking—past government, present government—as we relate to the organisations and parties that appear before the committee. So, this government does intend to continue that process.

On the value of a document, although it can be used to say, "We did not know what we were doing"—and standing committees made the same observation when the Liberals were in government and we were the majority on those committees—I can appreciate, from having been on the committees, the difficulty you have in trying to frame the sensible suggestions that come forward when you know that in virtually all cases, if they are substantial suggestions, they will have a substantial price tag. The obvious question is: whence comes the money? But I guess that is part of the process.

I have said that in the summary of the government's response to the various reports, we expressed our thanks to the committees and to all of the organisations that put forward submissions, that put forward submissions and appeared and that put forward direct submissions to government. Quite a number of the 33 organisations that put forward submissions did make appointments to come and talk directly to me or to other ministers—but not all. The opportunity was there, as Mr Stanhope has pointed out frequently. Our door is always open. All I can do is thank Mr Humphries, thank the Assembly for comments, thank the committees and the people who served the committees and thank the organisations that contributed to this process.

Question resolved in the affirmative.

Legal Affairs—Standing Committee
Report No 3

Debate resumed from 27 June 2002, on motion by **Mr Stefaniak**:

> That the report be noted.

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

Land development
Proposed joint committee inquiry

Debate resumed from 27 June 2002, on motion by **Mr Smyth**:

That:

(1) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment jointly inquire into and report on methodologies and outcomes proposed for resumption by the government of the process of land development and the restructuring of planning arrangements including but not limited to:

(a) the sustainability of the economic models;
(b) the impact on land and house affordability; and
(c) the likely impact on the current rights of leaseholders.

(2) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment shall meet, deliberate and report jointly and not individually, and on matters in paragraph 1 of this resolution.

(3) At the joint committees first meeting, before proceeding to other business, the members present shall elect a presiding member and a deputy presiding member.

(4) A quorum for joint meetings of the committees for the purpose of this resolution shall be four members.

(5) Joint minutes of proceedings on this inquiry shall be recorded for all joint meetings of the Committee.

(6) Except where provided for in this resolution, the standing orders of the Legislative Assembly shall govern the conduct of business of joint meetings of the committees.

(7) This motion shall cease to have effect on the presentation to the Assembly of the joint report.

(8) The foregoing provisions of this resolution have effect, notwithstanding the provisions of the standing orders.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, I seek leave to speak again.

Leave granted.

MR CORBELL: Mr Speaker, I outlined the government's views on the proposal for an inquiry into land development activity—when this matter was debated the previous time. At that time, the government made it very clear that it believed the appropriate form of scrutiny of the government's decision on the financing and monetary aspects of the land development function was through the estimates committee process. I am pleased to say that the Estimates Committee took up that invitation and, indeed, undertook a detailed questioning of me and relevant officers about the land development aspects that were put forward as part of this government's first budget.

Mrs Dunne has circulated an amendment that proposes to delete the reference to land development investigation, as proposed by Mr Smyth, and replace it with an inquiry into the Planning and Land Bill. This raises the question of whether the amendment is consistent with the broad terms of the original proposal or whether it is an entirely different question. I do not say that to cause trouble; I say it because it is substantially different in its nature.

Perhaps I can leave that with you, Mr Speaker. I am somewhat concerned, as a matter of process, about whether this amendment is consistent with the standing orders, as the amendment is quite different to the substantive proposal that is already before the chair.

MR SPEAKER: Is this the Dunne amendment that has been circulated?

MR CORBELL: Yes, Mr Speaker. I raise that just as a point for your information, if it is an issue. If it is an issue, the government are prepared to give leave to allow the amendment to be moved. Nevertheless, the issue that Mrs Dunne is now proposing in her amendment is that the Standing Committee on Planning and Environment inquiry report on the operation of the Planning and Land Bill. That bill was presented to the Assembly a number of months ago, before the budget was presented, as I recall.

This is a major piece of legislation and, equally, it is an explicit implementation of an explicit election commitment of the government to establish an independent planning authority and provide the mechanisms for implementing government land development activity, both of which are key and explicit matters in the government's planning policy.

I have spoken with both Mrs Dunne and the members of the crossbench, Ms Tucker and Ms Dundas. I have indicated to them that, whilst I have some reservations about this inquiry and its potential to unnecessarily delay the implementation of this very important reform—assuming that the Assembly will pass the bill at some stage—I am prepared to accept that in their view there is need for additional time for people in the broader community to participate, through an Assembly inquiry.

In my discussions with Ms Tucker and Ms Dundas, they indicated that they believe that an Assembly inquiry is the appropriate mechanism to allow people to have a further say on the legislation, and this is a significant change. I should add that the government has already been very open in its provision of information and advice on this legislation.

Consecutive rounds of briefings have been offered to those members, in terms of both the development of the legislation and the final bill that has been presented to the Assembly, and also to industry and community resident organisations. Those briefings have been accepted from an industry and community perspective, and I know that they have proven to be helpful in getting a better understanding of the key stakeholders in this proposed change.

To that end, the government is prepared to support the amendment that Mrs Dunne has circulated, but with the proviso that there is a reasonable reporting date. I have proposed in my amendment to Mrs Dunne's amendment, which has been circulated for members' information, that the committee report by 5 November this year.

I understand that, following further discussions Mrs Dunne and I have had, Mrs Dunne will be moving an amendment to my amendment to delete the date 5 November and replace it with the date 12 November. That provides an additional week and allows the committee to report at the beginning of the sitting period in November.

The government is prepared to support that amendment to my amendment because it allows the committee to report in a time frame that members are comfortable with at this stage, and it allows the government to respond and bring the bill on for debate in that November sitting period. That is an acceptable, if tight, time frame, and we will certainly use our best endeavours to provide all the necessary information to the committee. I anticipate that the committee will also use its best endeavours to meet that reporting date.

As members may be aware, there is a piece of consequential legislation that goes with the Planning and Land Bill. That bill is contemplated for introduction in the next sitting period, in the last week of September. I would like to foreshadow to members that at that time I will also move its referral to the committee, so that the committee has the complete package of legislation.

I accept and understand members' rationale for wanting an inquiry but reiterate that the government feels strongly that this is an important piece of legislation that has already been subject to very detailed community discussion, both in its preparation since its tabling and, more importantly, in the lead-up to the election itself. The election itself was the opportunity for the Canberra community to vote on key policy—the establishment of an independent planning authority and the resumption of a level of government land development activity—and the community endorsed the government's policy.

In those circumstances, a timely but not unduly extended inquiry is acceptable. I foreshadow that I will be moving my amendment once Mrs Dunne has moved her amendment to the original motion.

MRS DUNNE (11.40): I seek leave to move amendment No 1, circulated in my name.

Leave granted.

MR SPEAKER: Resume your seat for moment, Mrs Dunne. Mr Corbell raised the spectre of whether or not this was in order, and in the short time available to me I took some advice on the matter. The Planning and Land Bill was introduced on the same day this motion was placed before the Assembly. It is true that the motion that was before the Assembly did not comprehend the Planning and Land Bill, but it is an alternative way of dealing with many of the same issues. So, on this occasion I have decided to allow the amendment.

MRS DUNNE: Thank you, Mr Speaker. I move the following amendment:

> Omit all words after "That", substitute the following words: "the Standing Committee on Planning and Environment inquire into and report on the operation of the Planning and Land Bill 2002."

This is a simple motion that simplifies a somewhat complex motion and asks the Assembly, in line with the recommendations of the Estimates Committee, to refer the Planning and Land Bill to the Planning and Environment Committee for it to inquire into and report on its operations.

It is an appropriate piece of legislation to be brought before a committee for scrutiny because it is so broad ranging, has such significant implications and is of interest to such a wide section of the community. The minister has said that there have been briefings and consultation on this, but I do not think there has been an opportunity for the community, in the full, broad sense, to have its say on this. There has been the provision of briefings. But briefings do not amount to consultation; they are the imparting of information.

As the minister said, the bill is an explicit election commitment from the Labor Party but, because of the broad nature of its implications for the community, it also needs to be explicitly scrutinised. There are major issues that need to be addressed. As a community, we need to look at the new planning structure and what impact it will have on the economy, the amenity, the environment, the social wellbeing of our community and the shape of Canberra.

As a result of this, I think it is most appropriate that the committee take time to investigate the legislation. It is important, however, that the committee has access to the full implications of what is meant by it. As I have said in other places, the devil is in the detail here. So far, we have the outline of the structure, but we do not yet have any of the consequential amendments and therefore do not have a full understanding of how this new structure will impact on the land act and other pieces of legislation across the ACT. It will change in many ways the way we do planning in the ACT, for better or for worse. We need to look at that carefully.

The minister said he would like a reporting date, and I am relaxed with that. He circulated a suggested reporting date and, in consultation with Ms Dundas, I have circulated an amendment to Mr Corbell's amendment to make the reporting date 12 November rather than 5 November. If it were reported on 5 November, it could be seen as a cunning plot to blow Mr Corbell's plans out of the water.

Ms Tucker: I did not hear the argument for the change of date. I cannot hear you.

MRS DUNNE: The principal reasons for the change of date are the tightness of the time frame; the fact that the consequential amendments won't be available until the end of September; and the fact that some members of the committee will be away for short or lengthy periods over that time, meaning that the committee would not be able to meet as a whole on 5 November to report.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.45): I want to respond to Mrs Dunne's amendment and some of the issues she raises. I do not agree with her entirely that this is simply another way of implementing what was previously in Mr Smyth's original motion, because the Planning and Land Bill is to establish the government's mechanisms for the operation of a statutory, independent planning and land authority and a land development agency.

As the government has previously indicated, the issues around the operation of the land development activity outside of the government's arrangements—that is, the financial implications and the impact on territory finances—have been substantially and more appropriately addressed through the estimates committee process. Indeed, the Estimates Committee has made a recommendation on land development activity that is separate from the Planning and Land Bill—that is, that the government conduct an independent analysis of the financial model for land development. That is in response to a comment I put to the Estimates Committee that the government would welcome such a recommendation. Next week the Treasurer will be tabling the government's response to the Estimates Committee report, including that recommendation.

I want to make very clear the government's view on this. The issues of the financial implications of land development activity are separate from the issues surrounding the governance of the planning and land authority and the land development agency. The Planning and Land Bill is the vehicle that establishes the government's arrangements for both: where the powers sit—between government, Assembly and authority—in relation to the operations of the land act and planning functions in the ACT; and how the land development agency should conduct itself.

That is what the Planning and Land Bill is about; it is not about the financial model. The Estimates Committee itself has drawn that distinction in its recommendations. It said clearly that the financial issue should be subject to an independent analysis, which is a recommendation in response to a comment I made to the committee, and it said that the Planning and Land Bill should be considered by an Assembly committee.

I put on record the government's clear and strong view: the government's implications are separate from financial implications. The Planning and Land Bill is about governance arrangements; the budget is about the financial implications. The Estimates Committee has drawn that distinction as well in saying that there should be an independent financial analysis of the budget implications and a separate inquiry into the governance arrangements to do with the Planning and Land Bill.

I put the strong view that the government believes this inquiry should deal with the bill as outlined in the proposed referral: that it is an inquiry into what the bill is about, which is the governance and the relationship, and where the powers sit, between the proposed planning authority, the land development agency, the executive, the government and the community.

MS DUNDAS (11.50): I support the Planning and Land Bill and any consequential amendments that might accompany it being examined by the Planning and Environment Committee. The bill provides a framework for a large and complicated change to the way planning is conducted in the territory, and I believe that the committee and the community should have the opportunity to have input into and comment on this new process.

I also continue to have a number of concerns, that the committee could address. The alterations to the appeals process is of great concern, and I believe a greater investigation of how the authority will review its own decisions is warranted.

A number of community organisations have approached me with their concerns that there seems to have been little attempt to enhance the community's ability to participate in planning for the ACT. I find this concerning, as good planning is not just about having the best experts and advisers; it is also about the people of Canberra having ownership and understanding of the processes. I believe that the ability of the public to participate in planning in Canberra could be greatly enhanced, and I am disappointed that the minister has not used this bill to bring that about.

I would also like more information on the ability of the land agency to form joint partnerships and corporations, especially in light of the controversial Actew/AGL joint venture a couple of years ago. I am interested in having greater clarification of the relationship between the planning authority, the executive and this Assembly, and I note that the scrutiny of bills report highlights problems with the removal of the chief planning executive.

I understand the minister's concern about looking at the land development authority's side of this bill, and I believe that the estimates process did cover that section of this bill in detail. I am more interested in the new planning authority and the processes that are being established to conduct planning in the ACT.

I simply note that, with such a major transformation of our planning structures, a number of contentious issues have come to light about which I would like more information. I hence believe it appropriate for the Planning and Environment Committee to examine the bill.

MS TUCKER (11.52): The Greens are happy to support this. I put my comments on the record when we had the matter of public importance on Tuesday, so I won't take up time now.

Amendment agreed to.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.53): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

MR CORBELL: I have already foreshadowed the rationale for this amendment, which is to ensure that the report date is a timely one, and I am opposing that the report date be 5 November. With Mrs Dunne's indulgence and the indulgence of members, I will amend my amendment to delete the figure 5 and replace it with the figure 12. I move the following amendment:

> Insert the words "by November 12, 2002" after "report".

That probably saves an additional two steps. The issue of when the committee should report is important, not only from a government perspective, in seeking to have a reasonable opportunity to implement and see this bill passed, but also from an industry and broader community perspective.

There is, I would argue, strong support for the establishment of a statutory planning and land authority, and that is reflected not only in the election result but in comments since. From an industry perspective, there is a need for certainty in what the new administrative arrangements are.

The last thing I want is to see this debate prolonged and see no resolution on the future shape of planning administration in the ACT until well into next year. That would not be a desirable outcome. It would create significant uncertainty both for community and industry, not to mention for officers who currently work in PALM itself.

In the interests of an orderly transition, this report date of 12 November will allow the government to respond in a timely way. I indicate now that the government anticipates bringing on the bill for debate in that same sitting period.

Amendment agreed to.

Motion, as amended, agreed to.

Community Services and Social Equity—Standing Committee
Report No 2

MR HARGREAVES (11.56): Mr Speaker, I present the following report:

> Community Services and Social Equity—Standing Committee—Report No 2—*Accommodation and Support Services for Homeless Men and their Children*, dated 19 August 2002, together with a copy of the extracts of the minutes of proceedings.

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

Leave granted.

MR HARGREAVES: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR HARGREAVES: I move:

> That the report be noted.

This report had an interesting genesis, Mr Speaker. It started when there was a blue between the opposition and the government of the day on tender processes. The Assembly decided that that was not really on, and tossed it out. What remained was an investigation into the support services and accommodation that homeless men and their accompanying children were able to access in this town.

In a way by sheer accident, as a committee, Ms Dundas, Mrs Cross and I found ourselves looking into something which came to us out of the blue. What we found was quite revealing.

It needs to be stated for the record that, although to my knowledge, we have inquired into this matter for the first time, we are not looking at this in isolation—there are other people looking into similar issues.

The government was giving birth to the affordable housing task force. The government had also commissioned ACTCOSS and Morgan Disney Associates to do a needs analysis into homelessness in the ACT. Curiously, a lot of the recommendations that we have made, or given thought to making, are contained either in the recommendations from those two processes or stem from information contained in them. There are not many recommendations, because this is an ongoing issue.

Homelessness in the ACT is, by a long shot, one of the three most serious issues that we face. I recommend that members of the Assembly have a look at the report, and also that they have a detailed look at the needs analysis into homelessness in the ACT. If members will do that and indulge our committee, I will not need to go through heaps of that. Some of the statistics were quite frightening.

At any time in the ACT, there could be as many as 1,570 homeless people. That is staggering in this supposedly affluent society. There are 5,350 homeless people in this town in a year. That means 1.7% of the people of the ACT are without a home—without roofs over their heads.

The number of people sleeping rough is estimated to be between 120 and 315 a night. On that issue, I refer people to recommendation 1. It was sad to note that all of the people addressing homelessness, except those from the supported accommodation assistance program—known as SAAP—addressed the matter of sleeping rough.

The one federal government program which is supposed to chuck money at the thing did not recognise that definition. I understand from the minister that he has dealings with the Commonwealth about every five years on that. We are recommending that he approach his ministerial colleagues for that definition, to start the process of changing a little earlier than that.

Mr Speaker, one of the significant things we found when looking into this matter was the turn-away rates. I will not go into detail here, because the figures speak for themselves. The figures are nothing short of horrendous.

I wish to extend my appreciation to my colleagues on the committee—Ms Dundas and Mrs Cross. In particular, I thought that Ms Dundas' contribution was significant. I would also like to extend my appreciation to Judith Henderson, who stitched together the report. Trying to stitch together three minds, occasionally going in different directions, is not an easy task, but she did a great job. I also express appreciation, on behalf of the committee, to all of the people who made submissions, and to people who went out of their way. I also extend very sincere congratulations to ACTCOSS and Morgan Disney Associates for the needs analysis of homelessness in the ACT. This report is a seminal document—something which will drive this issue for some considerable years to come.

I applaud the government's approach to homelessness. It is clear from some of the initiatives the government is undertaking that homelessness is an area of priority. Whether they are initiatives by the former regime or whether they come out of the minds of the current government matters not to me—these initiatives are good. We can see, by the attention given to it in the budget, that homelessness is an area of concern. If any member of this place thinks it is somebody else's problem, I invite you to go with me to within a radius of 100 metres of this building, and I will show you the homes of three people. None of those are under a solid roof.

With that, I commend the report to the Assembly, Mr Speaker.

MS DUNDAS (12.02): Mr Speaker, I rise to echo Mr Hargreaves' sentiments. When the terms of reference for this inquiry were first debated, there seemed to be some specific concerns that the Assembly wanted us to look at. However, the Assembly chose a broader track. As the committee considered the issue of homeless men and their children, the issue became broader.

We looked at the needs of homeless men, and homeless men and their children. We also looked at the needs of homeless families, homeless mothers and homeless women. As Mr Hargreaves mentioned, the report into homelessness in the ACT was released by ACTCOSS over the course of this inquiry, which we found quite helpful.

We found the number of homeless people in the ACT to be quite staggering. We think we live in quite a good and privileged town here in the ACT, but there are people who are sleeping without roofs, in unsafe or incredibly crowded situations every day. That is one of the indigenous forms of homelessness which is quite prevalent in this city.

It is always sobering to be reminded of the shocking disadvantage that some people are forced to live with in this territory. It reminds us of the job we, as legislators, have to do here. One of the areas that I believe it is necessary to draw to the attention of the Assembly, in light of the inquiry, is the needs of the children. We were not looking just at homeless men, we were looking at homeless men and their children. At the moment, services in the ACT are targeted more at the grown-ups—homeless women and homeless men. Their children are a bit of an add-on.

The organisations that run shelters in the ACT are working to break down this problem, but it is something which I believe we need to take on as a priority. As we say in the report, crisis accommodation services need to be better designed to meet the needs of children, as well as their families—so the children are in a safe, supportive and stress-free environment and families do not need to be split unnecessarily. We must remember that, in these situations, what is traumatic for the parents is just as traumatic—if not more so—for children going through the developmental stages. Their schooling and their network of friends is disrupted, and they are seeing their parents in quite unhappy situations. In all of our work around homelessness and accommodation needs, we must remember the children.

Mr Speaker, looking into homelessness—specifically homeless men and their children—was a quite complicated and distressing issue. The stories we heard were, to echo Mr Hargreaves' words, horrendous and quite disturbing.

I was impressed with the way the committee members came together—Mr Hargreaves, Mrs Cross and I. We approached the issue with clear heads and tried not to get completely bogged down in devastating individual stories. We were there to try to work out ways in which to address the problems presently facing our community.

My thanks go to the other committee members—Mr Hargreaves and Mrs Cross—and to our secretariat support, who did a wonderful job in bringing everything together.

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

Plant Diseases Bill 2002

Debate resumed from 27 June 2002, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

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

Justice and Community Safety Legislation Amendment Bill 2002

Debate resumed from 20 August, on motion by **Mr Wood**, on behalf of **Mr Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (12.08): The opposition will be supporting this bill from the government, and all of the amendments being put up by the government, except one relating to the Remand Centres Act. I have already notified the Chief Minister about that. I have a number of comments to make in relation to the bill.

This is a consolidation bill, to an extent. There are a number of very minor, technical amendments in it, especially in relation to GST-type matters. There are also some amendments probably dating back even to the time when Mr Humphries was Attorney-General—certainly to the time I was there. I recall, on one occasion, telling the department to hurry up in relation to some of these amendments.

Many of the suggestions which have resulted in these amendments have been made by the agencies. For example, the amendments in the Agents Act came out of an Auditor-General's report, which recommended amending the conflict of interest provisions. The amendments to the Children and Young Persons Act relate to concerns held by the Chief Magistrate, the Children's Court Magistrate and the other magistrates. The Children's Services Council and the Law Society were also involved.

Treasury had some input in relation to the Consumer Credit Act, as did the Crown Solicitor's office in relation to the Crown Proceedings Act. The Legal Practitioners Act—I am pleased to see—brings us largely into line with New South Wales. That was done in conjunction with the Law Society, which assisted with the drafting. I have had some discussions with the Law Society, and I am happy with that bill. The matters there go back up to two years. It is good to see that those matters are now being attended to.

I initially had some problems, which are detailed in the scrutiny report, in relation to an explanatory memorandum. Some of the changes had not been referred to in the explanatory memorandum, especially in relation to what could be appealed and how that could be done. That has now been taken care of by the Attorney-General.

As a former practitioner, I am pleased to see that the act now brings us very much into line with New South Wales. As many people do, I practised in both jurisdictions. It is important that there is uniformity. It is sensible in most cases, if that is appropriate to the territory. It certainly is appropriate in this area.

The Legislation Act has been amended again. That is as a result of some matters raised by Treasury. With the Pawn Brokers Act, the AFP and the Magistrates Court were involved. There are only about three pawnbrokers in the ACT. I understand they are quite comfortable about this. In fact, they now have to go to only one place, where they can obtain two licences, instead of going to two places. That might even result in a few administrative savings!

The Public Trustee Office and the Registrar General's Office were involved with the Public Trustee Act.

The amendments to the Residential Tenancies Act are minor. I am pleased to see that the AFP, the Magistrates Court and the second-hand dealers were involved with the Second Hand Dealers Act. I understand there are about 70 second-hand dealers in Canberra. As a result of one of the diligent officers in the justice department making herself available, virtually all of them rang her. That is quite a good case of consultation. I do not quite know if she expected all of them to telephone her, but she was certainly kept busy. I am happy with the consultation there.

The Public Trustee Office had input in relation to the Unclaimed Moneys Act.

In relation to the Magistrates Court Act, I honestly had some concern as to codifying a practice which has always operated—that is about discouraging forum shopping. The Chief Magistrate allocates matters to other magistrates. The Chief Magistrate has always been able to do this—as has, I understand, the Chief Justice of the Supreme Court.

There has always been a concern in court circles about some people forum shopping. You might not want to go before a certain magistrate if you are up for a PCA, because that magistrate might be more likely to give you a lengthier drivers licence suspension than somebody else. Therefore, many people have concerns about forum shopping. You can probably never rule it out completely because there are various tactics people can use. However, this codification ensures that the Chief Magistrate's decisions cannot be taken up on review.

It is the Chief Magistrate's job to allocate matters. I have never been aware of anyone who has complained about it, or taken a matter further. So I do not know whether there is a real need to codify what has been a convention. If the Chief Magistrate allocates matters, people accept it. No-one, to my knowledge, in 12 or 13 years of practice in the ACT, has taken a matter further. If they have a problem with it, people tend to just accept it. I doubt there is a real need to codify that, but it is there. I do not think it hurts to have

it in there. Accordingly, we are prepared to accept that. I do not know if it is really necessary, but I do not think it does any harm to codify it.

There are some sensible amendments there too, to ensure that, if a matter is part heard, the magistrate hearing it, who might cease to be the Children's Court Magistrate, can continue to hear the part-heard matter. It is highly desirable—indeed this should always occur if possible—that a magistrate who has part heard a matter sees that matter through to finality.

I am aware of people coming back after retiring and becoming special magistrates to complete important part-heard matters. Unless the matter is trivial and someone else could pick it up, it is important for that to occur. That is obviously something the magistrates are very keen to see. It is very important in the Children's Court context, because the Children's Court Magistrate is appointed for a set period of time.

Mr Madden, who was previously the Children's Court Magistrate, has moved on to bigger and better things—or is back on the bench. He might not think they are bigger and better things, but he has moved on to other duties as a general magistrate. We have a new Children's Court Magistrate but, obviously, it is quite appropriate for Magistrate Madden to continue to hear any of his part-heard matters. In the same way, it would be appropriate for Magistrate Burns to do so when he moves back to other duties on the bench.

Indeed, the provisions which enable another magistrate to do Children's Court work if the Children's Court Magistrate is very busy, as is often the case, are sensible. I think that is a good provision. Again, if that magistrate ends up with a part-heard matter, he or she can continue to hear it, even if it is a Children's Court matter. Sensible provisions have been put in place there, as a result of discussions with the courts.

I am glad to get the explanatory memorandum, as a result of the points raised by the scrutiny committee. I would impress upon the government, though, that it is far better, and tidier, if you can possibly ensure that all those details are in the original explanatory memorandum. That was something that should have been included in the original EM and was not. I make that point, which is the point of the scrutiny committee.

The opposition will also be supporting amendments 1, 2, 3 and 4 on the amendment sheet. We do have problems with the Periodic Detention Act and the Remand Centres Act. I will deal with those when we get to the detail stage.

MS DUNDAS (12.16): The Justice and Community Safety Legislation Amendment Bill affects a number of acts, and there are clauses that could have been better. However, I am not so concerned about these matters as to be convinced that I should oppose the bill.

I thank the Attorney-General for the amendments he has circulated today. They seem to go part of the way to addressing some of my concerns. I will detail the other concerns I have.

The Australian Democrats strongly support the existence of a separate Children's Court. I am concerned that this bill partially erodes the role of the specialist Children's Court Magistrate. I believe that, if there is too much work for the existing Children's Court Magistrate to deal with, it would be better to create another full-time or part-time specialist magistrate.

However, as the role of the existing Children's Court Magistrate is not being eroded and the use of a non-specialist magistrate is limited to certain circumstances, I am willing to support the amendment. I will monitor the operation of the change, to ensure that non-specialist magistrates are not used so often that it becomes clear that the second Children's Court Magistrate should have been, and perhaps could be, appointed.

The provisions amending the Crown Proceedings Act are apparently intended to formalise the existing practice of serving judgments on legal teams rather than on the Chief Minister. I am not entirely happy that the current law does not require any appropriation for payment of large judgments. That may well be a matter of interest to this Assembly, if the Crown has acted in a way that has given rise to a large judgment against it. However, as I can see that this provision does not reduce the current level of accountability, I am willing to agree to it.

The provisions dealing with regulated mortgage and investment schemes offered by solicitors I believe are the least satisfactory provisions in this bill. I am informed that the approach being adopted by the ACT government mirrors arrangements in other states. However, I do not think that is sufficient reason to adopt a particular approach, except where the ACT is joining a national regulatory scheme.

I am concerned that few members of the public will become aware of this new amendment, yet I believe most people are aware that dishonest or negligent actions by solicitors are covered by a fidelity fund. If a solicitor illegally fails to obtain a fidelity policy to cover regulated mortgage and investment activities, this change removes the current protection of the fidelity fund and potentially leaves a client vulnerable to large financial losses.

I have been informed that the number of such mortgages and investment schemes offered by solicitors each year in the ACT is unknown, but is believed to be quite small. In this light, I believe the better approach would be to ban these products, unless they comply with the federal Corporations Law. This would be consistent with the broader move to uniform regulation of financial products. However, because the number of people potentially affected is apparently quite small, I will reluctantly support this amendment. Nevertheless, if I hear of instances where people lose out due to solicitors failing to take out insurance, I will move to ban this type of financial product.

The provisions amending the Pawnbrokers Act and regulations appear sensible, and I will support them. I commend the efforts made to specify what is meant by "an unsuitable person" because, unfortunately, acts in some other jurisdictions have left this undefined.

The creation of a board to advise the Public Trustee on the investment of common funds appears to be reasonable. I wait with interest to see who will be appointed to this board.

I have no objection to the minor amendments to the Residential Tenancies Act.

Overall, I am willing to support this bill as it stands. I will take the rest of the debate to consider the amendments tabled by the Attorney-General this morning.

MS TUCKER (12.20): I will speak briefly; I will say a bit more in the detail stage. On the question of the Children's Court Magistrate, we support this legislation. I want to put on the record that we will also be monitoring this. It is really important that we continue to see expertise held within the court system to deal with children's issues.

Whilst I understand that it is important to have some flexibility, if the Children's Court Magistrate is busy and there are urgent cases where children will be at risk if not dealt with, then it is sensible to allow someone else to take on that responsibility.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (12.21), in reply: I thank members for their contributions to the debate and their broad support for the bill. This has been explained by Mr Stefaniak, with his detailed recitation of the different amendments that are contained within the Justice and Community Safety Legislation Amendment Bill.

At one level, there is apparently a fairly minor range of amendments, but many of them are quite significant. This is an important piece of legislation and I am very pleased that members have taken the time to get across all of the issues that were raised in the different provisions.

I am supportive of the comments made by both Ms Dundas and Ms Tucker about the Children's Court Magistrate provision. The fact that the position of specialist Children's Court Magistrate was created has been an issue within the Assembly for a number of years. At the time that provision was inserted and the position of specialist Children's Court Magistrate was created, the Labor Party—I recall Ms Tucker's participation in the bill—strongly supported the creation of that position. The Labor Party's position in relation to that remains the same. Our commitment to a specialist Children's Court Magistrate is undiminished.

I am sure Mr Stefaniak and other members will recall that this was always an issue for the Magistrates Court. The Chief Magistrate consistently expressed concerns around management of the provision, although there was no objection in principle by the court. There were management issues in relation to the size of the court. It became a critical mass issue, as to the amount of work and the distribution of work between members of a reasonably small bench. We have eight magistrates. To take one of those eight magistrates off the bench to deal specifically with Children's Court matters created, and continues to create, some issues.

That is essentially what these amendments are about. They are about acknowledging the strong desire of this community to see that children are dealt with in a special way and that the magistrate dealing with children in court has a day-to-day commitment to issues affecting children, particularly in relation to the criminal justice system. The community wants to see that they develop some expertise and empathy, and that they devote themselves to those matters. We support that. We supported it at the time of the

introduction of these provisions, and we continue to support it. Our support has not diminished or been watered down in any way.

It is simply a question of managing the resources, ensuring that the courts are efficient, and that all the magistrates are employed to the greatest extent possible. So there are simple management issues there. I am concerned, as we all are. I know Mr Stefaniak is concerned. He has some detailed questions on notice which I will be responding to—I hope within a few days. I apologise for the delay in relation to that, but I am determined to get all the information you sought around the management of the courts and around the straight work force issues there, as to the work the courts are doing. I look forward to those results, Mr Stefaniak, perhaps as much as you do, and the responses which might be generated as a result of them.

I am sympathetic to the points made by both Ms Dundas and Ms Tucker about the Children's Court Magistrate, in particular. The government indeed shares your views on the position.

There are a number of amendments. The government has responded to Mr Stefaniak's suggestions in relation to the explanatory memorandum and the incorporation of an additional memorandum in the memorandum. I take the point. It was a good point, and we have responded accordingly. We have circulated those. We have prepared and circulated additional explanatory memoranda.

We have a number of amendments which have been provided to all members. Members have had an opportunity to be briefed on and discuss those with us. We look forward to dealing with those in the detail stage. I thank members for their support of this important legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

Financial management report—June 2002

MR HUMPHRIES: I will speak slowly so the Treasurer can return to his seat for my question. Mr Treasurer, on 28 November last year, you said that it was highly likely that you had inherited a territory in deficit.

On 18 February this year, you accused the Liberal Party of creative accounting, which painted a rosier picture of our financial position than was justified, and you went on to say that our surpluses were illusory. You have made a number of other comments in the last few months deprecating the idea that the territory is in surplus.

On Tuesday of this week, however, you tabled the consolidated financial management report for the year to June 2002 and, in spite of the stories of doom put about by the Chief Minister and yourself over the past few months and the prognostications of the commission of audit, the general government sector in the territory recorded a surplus of nearly $9 million. I remind the Treasurer that our budget, presented last year, originally forecast a surplus of $12 million. It was a pretty good forecast, I think, with a budget of $2 billion.

Subsequently, your government spent about $16 million in additional appropriations, which you yourself have admitted are directly attributable to your policy decisions. It could therefore be argued that the surplus we left to you was, in effect, around $25 million. Of course, that is in contrast to the $344 million loss which Labor had left to the Liberal Party on coming to government. I also remind you of your Chicken Little comments earlier this year and last year, forecasting a deficit for this year.

Treasurer, can you concede that it is just remotely possible, at this point in time, that the Liberal Party left the new Labor government in a better financial position that you might have suggested in your statements of the last nine months?

MR QUINLAN: Thank you, Mr Humphries, for the question. I see that not much has changed and you are still clinging to the untruth that a $344 million loss occurred under the regime of Labor.

Mrs Dunne: Are you saying it was not this big, it was this big?

MR QUINLAN: You did it.

Mr Humphries: Mr Speaker, I will take a point of order. Would you rule that describing something I have just said as an untruth is unparliamentary?

MR SPEAKER: I would rule that that is not what he said. What he said was that you were clinging to an untruth, and I think that is a far cry from what you claim he said.

MR QUINLAN: I have previously said in this place, Mr Speaker, that anybody who stands in this house and says that Labor made a $34 million deficit is a downright liar. I have said that.

Mr Humphries: No, we never said that. We said $344 million.

MR QUINLAN: So it is not true, then. Thank you.

Mr Humphries: That is right, it is not true.

MR QUINLAN: As long as we have clarified that, because, as I have said before, anyone who stands in this place or elsewhere and says Labor delivered a $344 million deficit would be a downright liar.

Mr Humphries: That is another matter.

MR QUINLAN: I would say that, if they said it—

Mr Humphries: On a point of order, Mr Speaker: are you saying that that is also parliamentary?

MR SPEAKER: I did not hear you. Did you describe Mr Humphries as a downright liar?

Mr Humphries: He said that what I have just said is a downright lie and anyone who says it is a downright liar.

MR SPEAKER: Withdraw that.

MR QUINLAN: I think it is an interesting point, too. It is worth clarifying, Mr Speaker.

MR SPEAKER: Yes, but I think you should—

MR QUINLAN: I did say that anybody who stands in this place and says Labor delivered a $344 million deficit is a downright liar.

Mr Humphries: I just said that.

MR QUINLAN: Did you say that?

Mr Humphries: Yes, I did, so you should withdraw.

MR SPEAKER: Let's avoid the conflict over this. I do not want to see people calling each other liars, or even hinting across the chamber that people are liars, without moving a motion. If you want to go to a substantive motion about the issue, that is fair enough. You can challenge the veracity of anything Mr Humphries says, but I think—

MR QUINLAN: That is a daily occurrence.

MR SPEAKER: I cannot make a judgment on that from here. However, I would ask you withdraw any inference that Mr Humphries is a liar.

MR QUINLAN: I have great difficulty in doing that, but I will. There does need to be a search for words in relation to this particular matter, because it is not true that Labor ever delivered a $344 million deficit. That is untrue. That is not a fact. It is very difficult for anybody—

Mr Humphries: So how big was the loss under you?

MR QUINLAN: If you want to say things in this house that are not true, it is very difficult. Are you saying that we have a rule saying, "Tell me I did not tell a lie when I told a lie"?

Mr Humphries: What is your loss? What are you owning up to?

MR QUINLAN: That is not the question, Mr Humphries. I am challenging the fact, and stood in this place to remind the Assembly, that it is not true that Labor delivered a $344 million deficit. What could be said, though, is that a $344 million deficit was recorded in the middle year of the first Carnell government. It was inflated by some abnormal items to a large degree, but nevertheless, it was a matter of a $344 million deficit in the name of the Carnell government. That is a recorded fact. I think that is the best we could get out of this, is it not?

Mr Humphries: No.

MR QUINLAN: I can say—and I will repeat this much—I have stood in this place before and made the statement that anybody who does claim that Labor delivered a $344 million loss is a liar. I have stood in the place and said that and it was not challenged. I did hand out in this place—

MR SPEAKER: Order! No. Before you get up, Mr Quinlan just said, "I have said that in this place before and it has never been challenged."

MR QUINLAN: True.

MR SPEAKER: I have been listening closely.

Mr Humphries: We have always challenged it, I think, Mr Quinlan.

MR QUINLAN: I have stood in this place before, made that statement, and you did not challenge me.

Mr Humphries: Well, I challenge it now.

Mr Hargreaves: You were deaf, as usual.

MR SPEAKER: Mr Hargreaves, Mr Quinlan has the floor.

Mr Humphries: Can you answer the question, by the way? Is that possible?

MR QUINLAN: Well, that was part of the question, wasn't it? I think I have very adequately answered part of the question already. Regarding a surplus, I did bring a piece of paper in here that recorded a surplus. That report also enumerates a couple of very abnormal matters, such as the bringing forward of land sales of about $13 million to meet a need. In fact, had those sales taken place three days later, I would have been standing here saying, yes, there was a deficit. Those land sales have made a difference.

Some asset revaluations also made a difference—technical accounting. However, when we have debated this previously, the real argument has swung on investment performance. Mr Humphries came into this place with an alternate report to the commission of audit, which said, "You cannot value those things." I think we have had some argy-bargy across the house as to what the investment performance has been. The investment performance, as well as I can recall it—do not accuse me of telling lies if I have it wrong—was a deficit of something like $30 million.

Mr Humphries: Thirty-seven.

MR QUINLAN: Yes, 32.7. Thirty-seven? Right. That was against a budget of a surplus or a positive return of about $68 million or $69 million. Most of the debate has swung on that fact. I think we have had jests about bottles of wine on that, and I am still looking forward to a 1998 Bin 389 to add to my collection at home.

Mr Humphries: It gets more expensive every time you mention it.

MR QUINLAN: No, it was said the other day—a 1998 Bin 389.

Mr Humphries: I will check the *Hansard*.

Mrs Dunne: You want vintage 389.

MR QUINLAN: Penfolds Bin 389. It is very nice and it is called the poor man's Grange.

MR SPEAKER: The repartee is all very interesting but the question—

MR QUINLAN: Sorry, Mr Speaker. I think I have explained to this place that, yes, there is a recorded surplus, but it is as much an accident as anything.

MR SPEAKER: Thank you Mr Quinlan.

MR HUMPHRIES: Perhaps I will try another tack, Mr Speaker. Would you concede that, but for the $16 million in additional appropriations to which you have already fessed up, having added to the bottom line of your own volition, from your own promises, the surplus would have been around $25 million?

MR QUINLAN: I will concede that nine and 16 equals 25. You are on the ball. Again, I do not have those figures in front of me, but I do have a recollection that part of the appropriation that we brought forward was, in fact, for matters for which the previous government had made commitments.

I cannot give you the exact numbers off the top of my head, but quite a large slice of that was taken up by matters such as the Kendall Airline extra promotional expenditure. A number had been committed to losses brought forward from the V8 car race of more than a year ago that had not been recorded in the actual year. That had therefore contributed to an overstated return the year before that.

No, I will not concede that that $16 million is attributable to this government. In fact, that $16 million and that appropriation bill were the first steps in the process of cleaning up a large mess that we happened to have found. That mess included massive losses in a quarry and a number of unbudgeted items that we have had to bring to account in our budget. We did have to take fairly immediate action because there were genuine problems, and genuine problems, Mr Humphries, of your making.

Leader of the Opposition—media statement

MS MacDONALD: My question is to the Chief Minister, Mr Stanhope. Is the Chief Minister aware of the media statement issued yesterday by the opposition leader headed "Stanhope hypocrite"? What are the facts of the issue that is the subject of this release, and how do the facts match Mr Humphries' assertions?

MR STANHOPE: Mr Speaker, the issue that is the subject of Mr Humphries' media statement is the tragic death from cancer of a Yass woman, a mother of two young boys, in October last year. Before her death, the woman had launched legal action against the territory and two doctors in relation to her medical treatment. On 29 September 2001, Justice Crispin found in favour of the woman against the territory and one doctor, and awarded damages of $233,143.60. However, in delivering his judgment, the judge held over his reasons. Those are the essential facts of the issue.

In his media statement, Mr Humphries says, "As Leader of the Opposition before the election, Jon Stanhope wrote to me as Chief Minister saying that the ACT Government should make"—

MR SPEAKER: Order. Mr Stanhope, I am just trying to recall whether this matter is in the courts on appeal.

Mr Humphries: Actually it is.

Mr Quinlan: This does not go to the heart of the matter. This goes to what you said about—

MR STANHOPE: What are you doing with the press release?

Mr Humphries: That was because you made a statement on it yesterday in public, but it is a different rule in here because you cannot—

MR STANHOPE: What statement did I make on it yesterday in public?

Mr Humphries: You were on TV. Was that somebody else? Was there someone impersonating Jon Stanhope?

MR STANHOPE: What is this "Stanhope hypocrite" stuff about?

Mr Humphries: It is about—

Mr Quinlan: You are not going to the matters of the case.

Mr Humphries: Mr Speaker, I take the point of order that you raise.

MR SPEAKER: No. I am not going to—

Mr Quinlan: This is not related to the appeal.

MR STANHOPE: This has nothing to do with the appeal. This has to do with the Leader of the Opposition putting out this scurrilous press release, which is actually false. We can go back to the point

Mr Humphries: It is not false. It is perfectly true. Everything in that statement is true.

MR STANHOPE: Say that again?

Mr Humphries: Everything in that statement is true.

MR STANHOPE: Do you want to repeat that for the sake of *Hansard*?

Mr Humphries: I think they have it, Mr Stanhope.

MR STANHOPE: Everything in this statement is definitely true, the Leader of the Opposition claims.

MR SPEAKER: Order, please! I would ask you not to proceed further, just for a moment. I have asked the Clerk to look at this matter for a moment, because I am a little worried about a matter that is before the—

Mr Humphries: There is an appeal in progress.

MR STANHOPE: I am not talking about the appeal.

Mr Humphries: We are talking about the issues which are at issue in the appeal, though.

MR SPEAKER: Would the Chief Minister—

MR STANHOPE: I am talking about the issues in your press release.

MR SPEAKER: Chief Minister, would you keep in mind that there is a matter on appeal before the courts and we should not stray at all—

MR STANHOPE: I will only talk about the events of last September and October.

MR SPEAKER: Would you just hold on a moment please, Chief Minister?

MR STANHOPE: I will talk only about those events, and the absolutely outrageous, scurrilous and false statements in this release.

MR SPEAKER: I just want to read some advice that I have. Thank you members. I reiterate what I said earlier. I urge caution in relation to your comments on the matter, because I understand it is a matter that is before the courts. Thank you.

MR STANHOPE: Yes, it certainly is, Mr Speaker, and I will be careful. This is what the Leader of the Opposition said in his press release yesterday:

> "As Leader of the Opposition before the election, Jon Stanhope wrote to me as Chief Minister saying—

Jon Stanhope said—

> that the ACT Government should make an immediate payment to the complainant involved and that the Government should not appeal against the decision to award compensation of more than $223,000."

Mr Humphries goes on:

> "Despite being briefed by the Government Solicitor on the matter and the reasons for appeal Mr Stanhope refused to change his position."

He goes on:

> "Under the caretaker convention of the time I was obliged to take Mr Stanhope's view into account before making my own decision."

That is what Mr Humphries claimed yesterday, and he just told me that every word is true.

These are the facts. On 12 October 2001, after being approached in the street by a member of the family of the woman, I wrote to the then Chief Minister, Mr Humphries, in these terms:

> I have been approached to assist [the woman] obtain payment of the judgment awarded against the Government on 29 September 2001.

I continued:

> You might recall that [the woman] sued the ACT . . . for negligence for failing to diagnose and correctly treat her breast cancer. Mr Justice Crispin gave judgment against the ACT and the doctor on 29 September 2001 after expediting the hearing.
>
> I understand that he has forwarded a copy of the judgment to you as required by section 13 of the *Crown Proceedings Act 1992* which requires the Chief Minister to give directions as to the manner in which the judgment is to be satisfied. I further understand that, as at 11 October 2001, no information had been provided to the family or their legal representatives that action was being taken to pay the judgment.
>
> Instead, Mrs Brown was faced with another hearing this morning on an application by the Government seeking to further delay the case and prevent interest accruing on the judgment. The Court dismissed the application.

My request to you, Mr Humphries, was:

> Could you please advise me, as a matter of urgency, what action you have taken to arrange payment or part-payment of the monies awarded to Mrs Brown.

Mr Humphries: So you urged me to make the payment.

MR STANHOPE: I asked you "please advise me" on behalf of a constituent "as a matter of urgency, what action you have taken to arrange payment or part-payment of the monies awarded to Mrs Brown". In response, Mr Humphries offered a briefing from the Government Solicitor, which Mr Humphries says in his press release that I had on Friday, 13 October. Friday was, in fact, the 12th. At that briefing the Government Solicitor put his view that the government should not make the payment until it had seen the judge's reasons.

The Government Solicitor further advised me that he thought there were matters of principle involved in the decision that it had implications for medical practice in the territory, and that it might be considered worthy of appeal once the judge's reasons were known. I specifically asked the Government Solicitor his view about whether the payment was a major policy decision likely to commit an incoming government, and therefore subject to the convention.

The Government Solicitor was of the view that the matter was not subject to the caretaker provisions.

Mr Humphries: That is not what he told me.

MR STANHOPE: On 15 October, Mr Humphries wrote to me again, asking if it remained my view that the government should expedite the payment—a classic Gary. It had never been my view that the claim should be expedited. I have never argued the point.

Mr Humphries: Did you write back and say that?

MR STANHOPE: Yes, Mr Humphries, I did. Mr Humphries said he was keen for an answer because he was bound to seek my views under the caretaker conventions. I wrote back the same day:

> Dear Chief Minister,
>
> Thank you for your reply of 15 October 2001 to my letter about Mrs Amanda Brown.
>
> The Chief Solicitor has advised me why he would wish at this time to withhold payment. I offer no comment on the merits of that approach.

I offered no comments on whether you should appeal or not. I went on:

> The question is whether this is a major policy decision likely to commit an incoming government and, therefore, subject to the caretaker conventions. I discussed this point with the Chief Solicitor and he did not believe that any decision would be subject to the caretaker provisions.

That was his advice to me, conveyed by me to you.

Once again:

> I would appreciate advice of your decision in this matter.

The decision was yours, not mine.

At no stage did I ask you to make an immediate payment to the complainant. At absolutely no stage did I suggest that the government should not appeal against the decision. At no stage did I suggest

that this was a caretaker matter. At no stage did I refuse to change my position. At no stage have I changed my position in relation to this matter. I explicitly advised you, on advice from the Government Solicitor, that it was not a matter covered by the caretaker conventions. This is a lie. "Humphries liar"—that is what the next press release will say.

Mr Humphries: Mr Speaker, if you have ruled earlier that that is not parliamentary, then you should rule the same thing in respect of this matter.

MR SPEAKER: You will have to withdraw that, Chief Minister.

MR STANHOPE: I will withdraw that. I present the following papers:

> "Stanhope Hypocrite"—Media Release from Gary Humphries, MLA, dated 21 August 2002.
> Letters from Jon Stanhope, MLA, to Mr Gary Humphries, MLA, Chief Minister, dated 12 and 15 October 2001.
> Letter from Gary Humphries, MLA, ACT Chief Minister, to Mr Jon Stanhope, MLA, Leader of the Opposition, dated 15 October 2001.

Mr Humphries: I seek leave under standing order 46 to make a personal explanation.

MR SPEAKER: Do you want to deal with it after question time? That has been the convention. I assume you are going to want to respond to that.

Mr Humphries: Yes.

MR SPEAKER: We will do that after question time.

Caswell Drive

MS TUCKER: My question is directed to the Minister for Planning, Simon Corbell, and relates to the duplication of Caswell Drive as part of the Gungahlin Drive extension. As you know, Mr Corbell, Aranda residents are very concerned about the impacts of this road, and some residents have proposed building a new road to the east of Caswell Drive, through Black Mountain reserve. As a result, there have been statements flying around about the ecological value, or lack of value, of this part of Black Mountain, and even comments from Liberal MLAs that people are more important than plants, and there is not even a discussion to be had.

Minister, you would be aware that, when plans were first made for the northern part of the Gungahlin Drive extension, the former Liberal government commissioned a preliminary assessment by Maunsell consultants to determine the best option for the road alignment. While we all have our opinions about the adequacy of that report, at least the process allowed for a detailed professional assessment of the route options and a structured opportunity for the public to be consulted.

Minister, given that the Maunsell study only covered the route of the road north of Belconnen Way, will you now commission a similar preliminary assessment to determine the most appropriate road option for the Caswell Drive duplication before any decisions are taken by your government on this alignment?

MR CORBELL: Mr Speaker, a preliminary assessment will be a requirement of the government's proposal for the Gungahlin Drive extension. A preliminary assessment will be required under the land act. That preliminary assessment will be required to take account of the entire proposed route that the government puts forward for the Gungahlin Drive extension, once the immediate public consultation process is completed around the end of September.

The preliminary assessment, of course, is a statutory process. It requires assessment of the potential environmental, social and cultural and a range of other impacts on a variety of environments, and it is open to public comment through a formal statutory consultation process. The preliminary assessment is required before any variation to the Territory Plan can be finalised, so the process will be quite clear.

I should stress that the government has already undertaken a range of quite detailed environmental studies on its preferred route, the results of which we released some months ago now. That was undertaken by an independent consultant, not a road engineering firm. It was actually done by a consultant expert in these matters. That information is publicly available, both on the ACT government website for the GDE project, and in a hardcopy from the relevant government agencies. That information examines the issues, in particular, related to the land adjacent to Caswell Drive, which is part of the Black Mountain reserve.

A range of detailed environmental studies has already been completed, and a formal preliminary assessment, which will include an environmental assessment, will also be undertaken.

MS TUCKER: Minister, will you ensure that any study that occurs looks at all aspects of environmental impact for various options? Will you also ensure that any study determines the cost of the whole of the Gungahlin Drive extension and the associated engineering works, and compares this cost to public transport options such as a light rail system, so that we can determine what is the best use of taxpayers' money?

MR CORBELL: Mr Speaker, the government is not going to reopen the debate on whether or not the road should be built. We have had that debate and a decision has been taken. I understand Ms Tucker's party's position on this matter. I respect that position, but I do not agree with it, and the government has made that quite clear.

Mr Speaker, the preliminary assessment will deal with the environmental impacts of the final route, as proposed by the government. That is what we are required to do under the land act. We will base our conclusion on the final route on the public comments that have been received to date, and on the detailed environmental studies and other studies that have been completed to date, all of which are publicly available for Ms Tucker to look at.

Mental health

MR SMYTH: Mr Speaker, my question is for the Minister for Health. Minister, in your frequent avoidance of questions regarding waiting lists, you have told us many times of your criticisms of health funding under the previous government. I note that you appear to be passionate on the subject, and you assure us that extra money that you provided earlier this year is being spent in mental health.

However, on 16 July this year, the *Canberra Times* announced that the director of medical services at Calvary Hospital would be reducing public psychiatric services by 8 per cent as part of a cost-cutting program that also includes closing elective surgery theatres for three months of this year.

Minister, can you please explain to the members of this place how it can be possible, with all the new money you say you have put into mental health, that the people of the ACT are receiving an 8 per cent reduction in psychiatric services?

MR STANHOPE: I think it is a bit of a long bow to draw to suggest that the reduction of services for Canberra Hospital extrapolates into an 8 per cent reduction in the mental health services for the people of the ACT. The point that I have been making is that, on the evidence reported in the *Canberra Times* earlier this week on recent studies that have been undertaken, the ACT, for that reporting period, had funded mental health services at a level that was 17.5 per cent less than the next worst jurisdiction in Australia.

In the budget we are debating next week, there is provision for an additional or $1.3 million for mental health services. That is the point that I have been making, Mr Smyth. I have been making the point that, with the additional funds provided in next week's budget, there will be an additional $4 million, or thereabouts, for mental health in this next term.

MR SMYTH: Minister, is it incompetent to spend extra money and receive less service?

MR STANHOPE: I am sure it is, Mr Smyth, if money is not well targeted, if it is not targeted where it is needed, if we do not introduce efficiencies, and if our programs are not effective. However, it is always possible to spend more money and actually achieve worse outcomes.

In relation to mental health, though, and the question that you are asking, through the work that we are doing—the development of a new mental health strategy and the creation of Mental Health ACT, which includes, under the new integrated arrangements for the delivery of health care in the ACT, both the Canberra and Calvary hospital psychiatric wards and the mental health teams—we believe that our strategic planning will be better, that our health care delivery will be enhanced and that we will indeed enhance the outcomes of the additional expenditure and the additional organisation which is being undertaken.

Dragway rally

MR HARGREAVES: My question is to the Deputy Chief Minister, the best tourism minister we have had here in seven years. Can the minister advise the Assembly about the meeting that the Chief Minister and he attended with representatives of the dragway community on Tuesday?

Mr Stefaniak: Yes, they were not very happy at the end of it.

MR HARGREAVES: We will see. I want to know. I am bursting to know.

MR QUINLAN: Thank you, Mr Hargreaves, for the question and the compliment. First of all, I want to correct a little snippet that was on the WIN TV report, which said that, during the rally, the government finally ran up the white flag and allowed three people to come in. In fact, that appointment had been in my diary and Mr Stanhope's diary for a matter of weeks. The meeting had been arranged earlier. I wanted to clarify the fact that we did intend to talk to a delegation from the dragway crowd.

We did have a very useful meeting. Let me tell you, across the road, that you are not very popular, whether you get up at the rally or not. The number one culprit is the immediate past government, because of what they did. They do believe that they were actually duped by the previous government, and the feeling still runs deep. However, it was still a useful meeting.

There are a couple of things that I want to put in place.

MR SPEAKER: Order, members! Let Mr Quinlan answer the question please.

MR QUINLAN: One was that, previous to budget time the dragway people had come to government and said that they wanted $6 million plus land. That was the deal and there was to be no compromise below that. I had to advise them, after the budget was brought down, that we did not have $6 million to apply to a dragway, unfortunately. It was at that point that the fall-back position came out: that the dragway people would still be interested in negotiating with government over the acquisition of suitable land in order to reconstruct and reopen a dragway.

Certainly, this government will try to identify somewhere suitable, but it is very difficult, of course. A dragway will put down quite a large footprint, given the noise that it would generate. I can also advise that I have written to Senator Nick Minchin about whether or not he could reconsider decisions taken on the old dragway site. I noticed that, in a press release, the revhead, Steve Pratt, is going to lobby Labor on the dragway. I reckon, Mr Pratt, you might spend your energy a bit better by lobbying Senator Nick Minchin, because there is the possibility that it could open—

Mr Pratt: Can you identify a site?

Mrs Dunne: If I were planning minister, I would give them a lease.

MR QUINLAN: Do I hear "rhubarb, rhubarb, rhubarb"? Is that what I hear? All right. Okay.

MR SPEAKER: Order, please! Minister, just answer the question and not the interjections. Mrs Dunne, restrain yourself.

MR QUINLAN: Sorry, Mr Speaker. I will report to the Assembly that it was a very robust but constructive meeting.

MR HARGREAVES: Is the minister aware of comments made by some opposition members at the rally?

MR QUINLAN: As a matter of fact, yes.

Mr Humphries: We are not your problem, Ted. There are seven cars between all of us. They have about 700.

MR QUINLAN: One of the problems that we seem to be bumping up against today is fact versus fiction. I did hear reported on radio, and in fact in a recording of that well-known petrol head and rabblerouser, Greg Cornwell, saying to the group, "I understand promises were made and I will do whatever about making sure those promises are delivered." Mr Cornwell, you have to be aware that, if you stand before a group of people like that and say, "I understand promises were made," the group will hear, "Promises were made."

I want to quote from an email that was sent by Mr Stanhope's office on 16 October last year:

> The Labor Party remains supportive of dragway racing but will not make any suggestions about possible sites or funding.

Mr Cornwell, I do suggest that, in the interests of public information, you take some action to correct the record.

It might be difficult for you because some of the group out there were not from Canberra. I do recall a Mr Bob Reid from Sydney castigating the government: "We only asked for $1 and what do we get? Nothing." "Where are you from, Bob?" "Sydney." Right. There were some visitors. There was even a sign outside that said, "Victorians support ACT dragway." They were seeking $6 million. Mr Bob Reid wants $6 million of ACT taxpayers' money spent on dragway. Nice work if you can get it, Mr Reid.

I also heard a recording of Mr Pratt, who undertakes to lobby Labor—he has not been to my door yet, but I am expecting him soon. Mr Pratt also said, "We want to bring back the V8 race." Mr Pratt, I think you should also correct the record and let the people know exactly how much you think the government should spend on the drag race each year.

Mr Smyth: Was that the V8 race or drag racing?

Mr Pratt: No problem.

MR QUINLAN: It was the V8 race. The price tag was heading up towards $6 million per year, Mr Pratt. If you would like to let us know just how much you are prepared to spend, we might be able to go back and factor that in to see how we go. However, I really think we might have a little difficulty. Mr Stefaniak, of course, proudly gave them $70,000 to run a feasibility study with absolutely no intention of doing anything other than getting to election date without any more problems.

Gungahlin Drive extension

MRS DUNNE: I was overcome by Mr Quinlan's thespian performance. My question, Mr Speaker, is to the Minister for Planning. Mr Corbell, yesterday you stated in answer to Mrs Cross that the GDE is still on track for completion by winter 2005. You were asked when the draft variation process would commence and you said it would start, and I quote, "shortly after September".

On 10 December last year, you were told by your department that the Gungahlin Drive project would need to have a draft variation and PA released for public comment by mid-June this year. You were subsequently advised that that timetable was very tight. I ask for leave to table the chart provided to you in December 2001.

Leave granted.

MRS DUNNE: I present the following paper:

> Gungahlin Drive extension—Chart detailing construction timeline.

Minister, we are now in August and you have admitted that you are already running three months late. How do you anticipate meeting the 2005 winter timetable?

MR CORBELL: Mr Speaker, I have not admitted that we are running late. We are on time. Let me outline the facts for the information of members. The ACT government's preferred route of the western alignment was announced on 20 June, as was the process that was to outline the next steps and the indicative time lines. The government's time lines are those as outlined on 20 June. Discussion with community groups is currently taking place and will be concluded by late spring of 2002.

The ACT planning process will take place between winter 2002 and autumn 2003. That clearly includes a draft variation of the Territory Plan. The Commonwealth planning process will take place between summer 2003 and winter 2003. Detailed design of the stage one works will take place between spring 2003 and summer 2004. Construction works for stage one will take place between spring 2003 and winter 2005, with the Gungahlin Drive extension from the Barton Highway to Belconnen Way being completed by June 2005, and the upgrade of Caswell Drive and the Glenloch Interchange being completed by June 2006. Mr Speaker, that is the government's time frame.

MRS DUNNE: When will you come clean with the residents and let them know that your timetable is not achievable, given that you have allocated a mere year to conduct the draft variation process, and the last time a draft variation process under your tutelage took more than two years to undertake. When will you come clean with the residents of

Gungahlin and the residents of Canberra and tell them that your GDE timetable is a fiction?

MR CORBELL: Mr Speaker, the government has outlined its time line. We believe it is an appropriate and responsible time line.

Financial management report—June 2002

MR CORNWELL: My question is to the Treasurer. In the lead-up to last year's election, and subsequently, you constantly complained—you are very good at that—that we on this side were stripping the cupboard bare of cash, and that we were cutting cash levels to dangerously low levels. On 7 May, here, you said, "Cash which is available to spend . . . puts this territory . . . in steep decline."

On 20 August, you tabled a consolidated financial management report for the year to June 2002, and that report revealed that, over the year to 30 June 2002, the ACT recorded a net cash inflow from operations in capital of $253 million. This outcome is $54 million above the $199 million that was the original estimate of cash flow for the 12 months to 30 June 2002.

Now that it can be seen that we left your government flush with cash, can you tell the Assembly how these funds might be used for the benefit of the territory? You have the figures, don't you?

MR QUINLAN: Thank you, Mr Cornwell. Can I remind you, Mr Cornwell, of the budget brought down by the government of which you were a part, which showed a decline in cash reserves predicted over the forward estimates—and that was the point that I was trying to make—of something in excess of $100 million. It took the uncommitted cash holdings of the territory down to the bare minimum. That was the point that I was trying to make and I am sorry if I did not make it clear enough for you.

Some of the things that I did speak about with regard to what I have previously referred to as the Humphries legacy included the Totalcare quarry, which was losing money and which we had to sort out; CTEC losses brought forward; a jail on which you were going to spend $110 million that you did not allow for at all; a remand centre in a parlous state; the nurses dispute, the inevitable pay offers for which you had made no allowances; disability services in the state identified by the Gallop report; and a commitment to a medical school for which there was no funding in the budget.

The list is quite extensive and they are the problems you left. However, at the same time, if you read the budget and look beyond your nose, you will see that there is, in that budget, a steep decline. If that decline has changed now that probably means that the Treasurer at the time did not exactly know what he was doing.

MR CORNWELL: Treasurer, is there any merit in using some of the extra $54 million to either retire territory short-term debt or to undertake capital works—

Mrs Dunne: Such as a dragway.

MR CORNWELL: Including a dragway, yes, which would normally be deferred?

Mr Pratt: And the V8.

MR QUINLAN: I am still waiting for Mr Pratt to tell me how much he is going to spend on the V8. That is what I want to know.

Mr Cornwell, there are a whole raft of competing and emerging needs for cash. I will assure this Assembly that there will be, from this point on at least, responsible financial management.

Lone fathers redundancy payment

MR STEFANIAK: My question is to the Minister for Education, Youth and Family Services. Minister, I refer you to the yet to be resolved saga in relation to the crisis accommodation service for men and men with children, formerly run by the Lone Fathers Association in Belconnen.

Minister, no doubt you are aware that the Lone Fathers organisation did not spend all of the money allocated to it when it was running the service, and that a sum of approximately $20,000 remains unspent. I understand that there is some dispute in relation to who should keep this money. The Lone Fathers have sought to do this, but the department has apparently placed the matter before an auditor and put a freeze on those funds.

Without going into what should happen to that money, would you tell us whether you are you aware that the department has refused to allow the Lone Fathers to pay the former live-in caretaker the money owed to him as a result of the redundancy in the change of contract, and his other entitlements? I understand his entitlements amount to approximately $4,500. Is the minister further aware that the Australian Services Union has advised that this money should be payable to him, and wants it paid to him. Will you, Minister, direct your department to allow Mr Carter to be paid the money that is duly owed to him out of the abovementioned $20,000?

MR CORBELL: Mr Speaker, the responsibility for this program is now the responsibility of the Minister for Disability, Housing and Community Services, so I will ask Mr Wood to respond.

MR WOOD: Mr Speaker, I am aware of half of that story, that is the half in which there is $4,500 owing in redundancy payments. I am not aware that the $20,000 has been frozen. However, the advice that I have is that such commitment as there is is a responsibility of an organisation. There was a claim earlier that it should be paid by somebody else, by the government or something. The suggestion in reply is, as I recall, that the money owing to the person should be paid out of the remaining funds. If they are frozen, I can see there might be a problem, so I will check the second half of the story and see where we may take it.

MR STEFANIAK: Minister, I do thank you for that, at least, and I will liaise further with you. Will you endeavour to do that as a matter of urgency, as I understand Mr Carter has been seeking what is rightly his for some time now?

MR WOOD: Yes, indeed, if it is money owing it should be done that way.

Youth InterACT

MRS CROSS: Mr Speaker, my question is to the minister for youth, Mr Corbell. The budget contains funding of $160,000 for Youth InterACT, a new youth strategy designed to allow a group of 15 youths to have a chat with you, the minister, every couple of months. This group is a rebadging of the youth ministerial advisory council established by the former Liberal government that you scrapped.

A key difference between the two bodies is that the members of Youth InterACT will be paid $30 each time they meet you. In fact, the chair and deputy chair receive $50 per meeting. How can you justify this approach when the peak youth body, the Youth Coalition of the ACT, is no longer on your youth council, and there are other urgent priorities in the youth sector?

MR CORBELL: How wrong you can be, Mrs Cross. The reason we have a new ministers youth council is that the previous advisory body asked for one. That is why we are doing it. The young people on the previous advisory body themselves said that it was redundant, said that it was no longer working, and said it needed to be more representative. It was as a result of their proposal that we now have the new ministers youth council.

Let me add some additional comments. What is wrong with paying young people to participate on an advisory body? We pay adults to participate in a range of government advisory bodies and other bodies. There is no reason why we should not pay young people to attend, let's recognise that. Young people are not different in that regard, Mr Speaker. This is not just about having a chat with the minister. If Mrs Cross had actually bothered to ask any questions about this in the Estimates Committee process, she would have learned exactly what this full proposal is about.

However, I do not recall a question from Mrs Cross about the Youth InterACT initiative. Yes, the government is establishing a new ministers youth council, and a total of 21 young people, ranging in age from 12 to 25, are shortly to be appointed. The government had over 70 expressions of interest about joining this body. That is a very strong response from young people in the ACT.

Youth InterACT, though, is more than just the ministers youth council, and this is where Mrs Cross should go back and do some homework. First of all, Youth InterACT will also include an annual youth conference. The first one is scheduled for 18 and 19 October this year, and will involve approximately 100 young people talking about the issues that affect them in Canberra. It is part of the budget funding, Mrs Cross.

In addition, there will be four youth forums arising out of that youth conference to talk in more detail about the issues raised by the young people.

Mrs Dunne: It is just cash for comment, Simon.

MR CORBELL: Cash for comment? Mrs Dunne, if you think it is cash for comment, I am very happy to forward those comments to every youth organisation in town, to show just how out of touch your party is when it comes to engaging young people in policy-making.

The bottom line is that the Youth Coalition has welcomed this initiative and believes it is a strong initiative that engages young people in policy-making in Canberra. Go and ask the coalition if they think Youth InterACT is a good initiative. Youth InterACT is an excellent initiative which has been welcomed by the youth sector across the ACT.

We will have a very diverse and representative group of young people sitting on the ministers youth council. We will have an annual youth conference of over 100 young people meeting every year. We will have four forums occurring across the year, which will discuss individual issues affecting young people. That is more than you lot ever did when it came to engaging young people in policy-making. It is a significant step forward and it is an initiative that the government is proud to be implementing.

MRS CROSS: Is the fact that you have to pay people to meet with you a reflection of your popularity, as opposed to the Chief Minister, who is apparently too popular to see anybody?

MR CORBELL: I know this causes some merriment among opposition members but, quite seriously, young people—

Mr Pratt: This is Mr Corbell being wounded.

MR CORBELL: If you do not want to hear the answer, I will not give it to you.

Gungahlin Drive extension

MR PRATT: My question is directed to the Chief Minister. Chief Minister, three months ago you were saying openly and very publicly that you were the most popular chief minister ever. Two nights ago you were roundly booed by the residents of Aranda at a meeting about the next stage of the GDE. You said yesterday that you were not aware that there was a live or outstanding invitation for you to attend a meeting of the Tuggeranong Community Council. Chief Minister, would you regard their letters to you of 4 January, 22 March and 3 April as live or outstanding invitations? I seek leave to table the letters.

Leave granted.

MR PRATT: Thank you. I present the following papers:

> Tuggeranong Community Council Incorporated—Access to Chief Minister—Facsimile copies of correspondence from the President of the Tuggeranong Community Council Incorporated to Mr Jon Stanhope, MLA, Chief Minister, dated 4 January 2002, 22 March 2002, 3 April 2002 and 1 May 2002.

Chief Minister, how many times and how many ways do you need to be invited before you will agree to meet this very important sector of the ACT community?

MR STANHOPE: I answered that question yesterday, Mr Speaker.

MR SPEAKER: Is there a supplementary question? It is a bit hard to ask a supplementary question for a question that was answered yesterday.

MR PRATT: It was not answered yesterday. Unless that is your ruling, Mr Speaker, I would like to continue with the supplementary.

MR SPEAKER: Well, the Chief Minister has indicated that he thinks he has answered it, so I do not know how would you ask supplementary question.

MR PRATT: On the grounds that I do not believe he did answer it, I believe I should proceed.

MR SPEAKER: You can give it a try, but the Chief Minister might give you the same response. Be ready for it.

MR PRATT: I certainly will. It is a rough and rocky road, Mr Speaker. I am prepared to convince. Mr Stanhope, do you propose to deal with such situations in the future by simply paying people to meet with you, as Mr Corbell is doing, or will you just stay away as you did at the dragway protest on Tuesday?

Mrs Dunne: Alternatively, perhaps they could do a whip around and pay you to come to see them.

MR SPEAKER: Order, Mrs Dunne. You have had your chance.

MR STANHOPE: Thanks for the question, Mr Pratt. You do touch on a couple of important issues there. I would like to reinforce everything that Mr Corbell said about payments that are made to members of the community who participate in advising organisations and bodies. I must say that I am perplexed at this suggestion that everybody in this community who participates on a committee or a council of any sort should always do so without payment. This is quite a remarkable suggestion that you are making.

I think that, if we were to trawl through some of the payments that the Liberals made in government to people who were appointed to advise that government, the circumstances would indeed be very interesting. It really would be quite remarkable.

It is quite insulting to suggest that people who participate in a consultative process should not receive recognition of the costs that they meet as a result. I do not know whether that goes directly to your point. I am not suggesting that any particular community organisation might receive a payment. However, with regard to the principle of what you are suggesting—that these payments are in some way outrageous or outlandish—I have to say that I find it really quite remarkable.

As I said to you yesterday, Mr Pratt, and as I have indicated on other occasions, I have a very full diary, and I have a very wide range of appointments and commitments. I meet constantly with people and I did enjoy very much the meeting at Aranda that Mr Corbell

and I attended along with a couple of your colleagues, and Ms Tucker and Ms Dundas. It was a very interesting meeting and an absolutely prime example of the very open and very consultative process in which this government is engaged in relation to Gungahlin Drive.

Mr Smyth: But will you listen to them?

MR STANHOPE: Certainly we listened. In relation to that, we did not do what the Liberals did in the week before the election, when this same issue arose. Of course, as soon as it was suggested that the road should move east into Black Mountain nature reserve, the Liberals' Brendan Smyth—desperate for just one extra vote, without any discussion, thought or consultation, without any assessment—was there saying, "I will move it. It is meant for me. I will move it straight through Black Mountain nature reserve."

And Bill, you were there, shamelessly holding him up in one of those big ruck-type things that rugby union players—

Mr Stefaniak: I was right, that is where it should be, 200 metres to the east. Mate, I have not changed my view one iota.

MR STANHOPE: He was acting as a prop. Yes, little Brendan, how are you? You will move it. Absolutely shameless. "If there is a vote in it, we will do it. We will bung it through Black Mountain. We will excise it. We do not care where it goes. If there is a vote in it, we will do it."

Land use

MS DUNDAS: My question is for the Minister for Planning. Minister, the planning for people policy released by the ALP before the 2001 election declared your commitment to protecting Canberra's open space network, in consultation with the Canberra community. Do you plan to incorporate block 4 of section 4 in Bruce, which is part of the Bruce Ridge and Gossan Hill bushland, and is currently managed as part of the Canberra Nature Park, within Canberra's formal open space network?

MR CORBELL: Mr Speaker, shortly I will be announcing the details of the process we will be undertaking to formally protect the open space network of Canberra, and the central role that the community will play in helping to identify areas to be included in the open space network. I cannot comment specifically on that particular block. I am sorry, I cannot recall it. I do not know exactly where it is.

However, the government will be outlining shortly—I would anticipate, within the month—the process that we will be undertaking to formally identify the open space network, and then the process we will use to protect it. We will give it special protection so that people like Brendan Smyth will not be able to go around saying, "This is a park which has wonderful 360-degree views. It is nice and big, it is flat, and we can sell it." Let us not forget that this is the previous government's legacy.

Mr Smyth: Show me where I said that. You misrepresent me.

MR CORBELL: When Brendan Smyth was minister, and when Gary Humphries was Treasurer, the land—

Mr Smyth: On a point of order: if Mr Corbell is not misrepresenting me, perhaps he can show me where I actually said the words that he just put in my mouth.

MR CORBELL: There is no point of order, Mr Speaker. When Brendan Smyth was minister for planning and when Gary Humphries was Treasurer, their bureaucracies systematically targeted areas of open space across the ACT to sell. That is what they did. They systematically targeted areas of urban open space, and other areas of under-utilised land, to sell.

Mr Smyth: Name one. Which one?

MR CORBELL: Let's talk about them. How about the horse paddocks of Curtin, Mr Speaker? There is a start. What about the park on Devonport Street in Lyons, Mr Speaker? Let's talk about every single piece of park and open space in every suburb in Weston Creek. Let's talk about Stirling, which was identified under their administration as having too much urban open space, Mr Speaker. That is their legacy. That is what was uncovered only through an FOI request by the Labor Party in opposition. That is why this government is putting in place measures to protect the open space network that all Canberrans love, value and want to see retained.

MS DUNDAS: Minister, you might have to get back to me on this, but will you defer the approval of any development application applying to the block 4 I mentioned until the public consultation process regarding Canberra's open space network, which you say will be announced shortly, has actually concluded?

MR CORBELL: Again, I am not familiar with the details of the particular block. I would have to establish exactly what that particular block is, and where it is, before I am able to comment further.

World summit on sustainable development

MS GALLAGHER: My question is to the minister for the environment, Mr Wood. How will your participation on the Australian delegation in the forthcoming world summit on sustainable development in South Africa benefit the people of Canberra?

MR WOOD: Mr Speaker, can I say "mightily".

Mr Smyth: It is good of you to go and sell all our policies, Bill.

MR WOOD: Mr Smyth, I am being briefed on any necessary follow-ups, and agreements signed several years ago.

Mr Quinlan: And any repair work that needs doing.

MR WOOD: If the occasion arises. It is a massive event. Indeed, it is almost overwhelming, and significant leaders are to be there. I understand that Tony Blair is going to be there. Colin Powell is going to be there, it seems, and a host of national leaders. I am not anticipating a major role.

Mr Humphries: You need two people there, Bill, and I am available. I will go.

Mr Smyth: Take your camera.

MR WOOD: No. I understand I might not come back with it if I take one. I have just been briefed about these things. However, quite simply the background is one that you would understand. The quality of life in the ACT is terrific. We have a great reputation, but the world changes, and we need to make sure that we keep up with those changes. We need to act now to protect and enhance the qualities that we value, whether they are the wellbeing of our citizens, the capacity of our economy to support the community, or the breadth and health of the natural environment in our role as the national capital.

However, there is a challenge there for us. It is for all governments to find and implement even better approaches to the way we do things. The concept of sustainability is the focus of the summit, which intends to provide an integrated approach under that heading to meeting our social, economic and environmental goals. I think we have an important role, in this town, in the way that things develop. I do not anticipate playing a major role. It is likely that I will be delivering a speech to one segment of the summit about participation and community.

This is certainly the most significant conference since Rio 10 years ago. The people who will be there and the range of discussions are truly impressive. We have much to learn, but we have something to offer, and I will come back and report to this Assembly on that summit.

MS GALLAGHER: Minister, do you expect the Australian government's position refusing to ratify the Kyoto protocol to be discussed at the summit?

MR WOOD: I certainly expect it to be. Therein are some problems for me in the sense that I am part of an Australian delegation, I am reading all the protocols, and I have signed off on certain of them, and I would hope to take a fierce view on signing up to Kyoto. However, there are going to be some inhibitions and strong attempts to achieve a one-delegation view of things, so there will be some difficulties with that. I certainly hope that the Commonwealth finds itself under considerable pressure, and not the least from the Pacific nations, on Kyoto, and that we will sign on to it. I am optimistic that the pressures of the summit will be an added inducement to the Commonwealth to sign up to those protocols.

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

Supreme Court judgment against ACT government

MR HUMPHRIES (Leader of the Opposition): I seek leave to make a statement on the subject of the Brown matter in the Supreme Court.

Leave granted.

MR HUMPHRIES: I am grateful to Mr Stanhope for tabling today the correspondence which dealt with the exchange between myself and him in the last few days before the 2001 election. Some of the information in those letters I had forgotten about, but I am pleased that the matter has been

refreshed to my memory, and I am glad members can see the full correspondence on the floor of the Assembly.

As Mr Stanhope indicated, I put out a press release yesterday headed "Stanhope hypocrite" in which I said, in the paragraph he took most offence to:

> As Leader of the Opposition before the election, Jon Stanhope wrote to me as Chief Minister saying that the ACT Government should make an immediate payment to the complainant involved and that the Government should not appeal against the decision to award compensation of more than $223,000.

In the last few weeks before the ACT election of 2001, I was confronted with advice which suggested that the award made by His Honour in the Supreme Court was not well based on the evidence which had been placed before the court and that there was a basis for taking an appeal against that decision. I was also aware from the advice that was given to me that the plaintiff in that matter, Mrs Brown, was not only seriously ill but in fact dying of cancer.

Because this matter occurred in the last few days before the ACT election, it occurred in the caretaker period. I believed, and I believe I had advice to the effect, that there was a requirement for me to consult with the leader of the alternative government in the territory before a significant payment was made by the territory. I regarded a payment of $223,000 or so as being a significant payment. Therefore, in light of the letter I received from Mr Stanhope, I decided to seek his advice.

Mr Stanhope has tabled the letter of 12 October. He claims this letter was not justification for the claim made in my press release of yesterday that Jon Stanhope wrote to me saying that the ACT government should make an immediate payment to the complainant involved. The words that Mr Stanhope used in that letter are the words he has already quoted, and I repeat them:

> Could you please advise me, as a matter of urgency, what action you have taken to arrange payment or part-payment of the monies awarded to Mrs Brown.

I take that as being a call to me to make that payment. I take that as a request, a demand, an insistence or an urging—whatever you want to say—to me to make the payment. If Mr Stanhope had not believed that a payment was appropriate, he might have written to me saying, "Could you please advise me whether you intend to make a payment. Could you please advise me whether you think there is a good basis for making a payment." Mr Stanhope did not say that.

Mr Stanhope: The court had already decided, Mr Humphries.

MR HUMPHRIES: Maybe so. Mr Stanhope said:

> Could you please advise me, as a matter of urgency, what action you have taken to arrange payment or part-payment …

If you ask the question, "When did you stop beating your wife?" it presupposes that you are beating your wife. When you ask, "When do you intend to make a payment?" it presupposes that you will make a payment.

Mr Stanhope: Just apologise.

MR HUMPHRIES: I do not apologise, and I do not regret saying, as I said in my statement yesterday, that you did urge me to make an immediate payment. The payment you were suggesting was certainly immediate. You used the words "as a matter of urgency". I said "immediate". Same difference. You said, "What action will you take to make the payment?" I said that you urged me to make an immediate payment to the complainant. In my view, those words are close enough to represent the intention of Mr Stanhope's letter.

Mr Stanhope having made that point, I arranged for him to be briefed by the Government Solicitor, who was vocally of the view that the payment was inappropriate and that there should be an appeal against the decision, although at that stage there were no reasons for the decision available from the judge. Aware of the caretaker convention, I wrote to Mr Stanhope a few days later, after we had had the briefing, and I said:

> I am keen to know if, after having received this briefing, it remains your view that the government should expedite payment for the defendant.

I summarised that as your position. If you believed that I had misrepresented your opinion, you presumably would have written back to me saying, "I have not urged that you should make payment to the defendant." But you did not do that, Mr Stanhope. Instead of repeating your earlier comments, wanting to know when I was going to make immediate payment to this poor woman, you simply said:

> The Chief Solicitor has advised me why he would wish at this time to withhold payment.

In an act of great bravery and courage, in the face of the advice, you said:

> I offer no comment on the merits of that approach.

Mr Stanhope: I was not the Chief Minister or the Attorney-General then, Mr Humphries.

MR HUMPHRIES: Yes, but you were the leader of the alternative government, and I was asking you what you thought I should do about making that payment.

Mr Stanhope: You wanted me to take the decision for you.

MR HUMPHRIES: I was entitled to ask you what your view was, because you were the alternative Chief Minister before an election.

Mr Stanhope: The caretaker convention did not apply.

MR HUMPHRIES: That is what the caretaker convention says, Mr Speaker, and I did.

I do not believe that the words of Mr Stanhope in his letter of 12 October demonstrate that he was remaining neutral on the issue. Mr Stanhope was saying to me, "When are you going to make the payment?" I think that justifies my description in the terms in the press release I issued yesterday.

I conclude by noting that Mr Brown, the widower of the plaintiff in the matter, has been in the media this week. He has been extremely critical of the ACT government.

Mr Quinlan: I take a point of order, Mr Speaker. Mr Humphries is going beyond the topic at hand. He is now arguing the merits—

MR HUMPHRIES: It is not a standing order 46 explanation.

MR SPEAKER: We are in some difficulty, Mr Quinlan, because the Assembly has given Mr Humphries leave to speak.

MR HUMPHRIES: That is right—on the subject. I am talking still about the Brown matter.

MR SPEAKER: I just raise again the issue of sub judice and warn you to be very cautious.

MR HUMPHRIES: I will be very careful about that matter, Mr Speaker. I simply note that Mr Brown is extremely critical of the ACT government.

Mr Stanhope: I take a point of order, Mr Speaker. That goes to the matter of the appeal.

MR HUMPHRIES: You are taking the point of order now?

Mr Stanhope: Yes, I am—to finish this garbage.

MR SPEAKER: I think when you talk about what Mr Brown is about to say or might have perhaps said, it may well go to the issues that will come to the notice of the courts. I will rule that that could be a sub judice matter, and I repeat my request to you to be cautious about the language you choose in relation to the matter.

MR HUMPHRIES: I am a lawyer, Mr Speaker, and I know how the rule works, but I accept your ruling. Since I cannot make reference to Mr Brown and his views today about the ACT government, then I will not—at least not in the chamber. But I will say this for the record: I support the idea of there being an appeal against the decision, because I believe the decision was wrong.

I listened to the advice of the Government Solicitor. I took that view at the time, and I was prepared to stand by that view at the time—unlike the Chief Minister, who in opposition said one thing and in government a different thing altogether. That, to me, adds up to hypocrisy.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I seek leave to make a statement on this matter.

Leave granted.

MR STANHOPE: I repeat some of the things I mentioned before. I was approached by a constituent. The constituent happened to be Mr Brown.

Mr Humphries: He was not a constituent. He lives in Yass. He is not your constituent at all.

MR STANHOPE: I was approached by a person who made representations to me about a matter before the courts. That man was Mr Brown. Mr Brown approached me in the street and appraised me the circumstances of this matter. He told me that judgment had been given by the court against the ACT government. Having regard to the circumstances of his wife at the time, he was most anxious that she be relieved of any undue stress. He was looking for the matter to be resolved as a matter of urgency.

Immediately upon getting back to my office, within an hour, I wrote to the decision-maker in the matter: the then Chief Minister. Having just been asked by Mr Brown on behalf of his wife to make representations as a matter of urgency, I did so. I asked for urgent advice in the circumstances of the case. I asked, "Would you advise me as a matter of urgency?" In other words, I asked, "Can I have your advice quickly, please?"

Mr Brown asked me, "What is the government going to do? Can you tell me? Can you help me? What is their response to this judgment going to be? My wife has gained judgment against the ACT government. Can you let me know or help me get an answer from the ACT government on what the ACT government proposes to do about the order of $230,000-plus in damages?"

I said, "Yes, I will make the representation." I made the representation. I asked that the matter be dealt with urgently because of the circumstances being faced by the family. I asked:

> Could you please advise me, as a matter of urgency, what action—

the judgment had been given over two weeks before—

> you have taken—

in the two weeks since the judgment was handed down—

> to arrange payment or part-payment of the monies awarded to Mrs Brown.

That is the genesis of the matter. That was the basis of my request for advice. This was a request for advice. You were the Chief Minister and Attorney-General. You were the decision-maker. Judgment had been entered against the ACT government in the circumstances of a person in a critical stage. I asked, "Could you please advise me, as a matter of urgency, on the basis that I have just this day been approached by the

grieving husband of a dying woman who has judgment entered against the ACT government saying, 'Will you help me get an answer from the ACT government about what they propose to do?' " I wrote and asked you.

You wrote back and verballed me. I wrote back that on the basis of advice from the ACT Government Solicitor there was no basis on which I as Leader of the Opposition should intervene or be involved in this matter. This was not a caretaker issue.

In fact, the matter was prescribed by the Crown Proceedings Act. Section 13 of the Crown Proceedings Act provided that you, as the Chief Minister, were the decision-maker. It was a statutory requirement that you make the decision. You could not delegate that responsibility to the Leader of the Opposition.

The chief solicitor of the ACT, the ACT Government Solicitor, had advised me at a meeting on the Friday night that the caretaker conventions did not apply. I therefore wrote back to you and said precisely that—that the chief solicitor had advised me about his views on the merits of the case.

It was not for me. I did not have the file. I did not have the papers. I did not have the judgment. I had an oral briefing. Why would I offer an opinion or a view on the merits of an appeal? It was not my business, and I said so. I said:

> I offer no comment on the merits of that approach.

That was a matter for you. The election had not been held. It was not a caretaker convention issue. The question of whether I should commit the incoming government, I was told by the most senior lawyer in your employ, did not apply. I then asked you to give me your decision in the matter. I concluded my letter:

> I would appreciate advice of your decision in this matter.

In other words, I was saying, "Please tell me what you are going to do." At no stage did I, in a letter to you, offer an opinion as alleged by you. You said here, "Jon Stanhope wrote to me as Chief Minister saying, 'You should make an immediate payment and you should not appeal against the decision.' " Where in writing, in those two letters, did I say the government should not appeal against the decision? You said, "Jon Stanhope wrote to me and said that the government should not appeal against the decision." I cannot quite see that.

Mr Humphries: Pay it but do not appeal it.

MR STANHOPE: You are hanged on this. You should have just had the guts to apologise. Just say, "I stuffed up. I am sorry."

Mr Humphries: That is what Mr Brown was saying today, as a matter of fact. I stand by everything I said.

MR STANHOPE: I stand by everything I said, and I will have more to say about it.

Personal explanation

MR SMYTH: Mr Speaker, I seek leave make a personal explanation under standing order 46.

MR SPEAKER: Have you been misrepresented?

MR SMYTH: I believe I have. On 20 August this year, in the debate on a motion to suspend standing orders, Mr Quinlan said:

> … the need for consistency; the need for federal legislation in relation to, say, changes to tax law to allow structured settlements …

He went on to say:

> What we saw as a result of petty politicking on the part of the opposition was businesses having people sign waivers and giving people the impression that they could participate in an activity if they signed these waivers. Those waivers had no force whatsoever but, misled by Mr Smyth, and quite clearly with the support of his party, people were told that the Smyth line was going to solve things.

He said yesterday, in an answer to a question from Ms MacDonald:

> Further, I have heard that the opposition has established an insurance hotline. God help us. Now, not only are fools rushing in and telling people that waivers are okay and giving misinformation; they are going to institutionalise that and provide a hotline service so that they can spread misinformation across the airwaves.

I have never advised an organisation to use waivers. Indeed, I have advised organisations that it is not possible to use waivers because of the Trade Practices Act. Neither I nor my colleagues in the opposition are giving out misinformation on the use of waivers.

I take the democratic right of citizens to present to their local members a petition extremely seriously, and I would hope that my fellow members also treat this fundamental right with the respect it deserves.

I also take the insurance issue extremely seriously. The bills I have presented are testament to that.

I believe that Mr Quinlan's comments breach standing orders 54 and 55, and I ask that he withdraw them.

MR SPEAKER: I am happy to examine *Hansard* in respect of that. I am not going to make a ruling on it now.

Mr Quinlan: Sorry, I missed the last bit. What was the last bit?

MR SPEAKER: Mr Smyth argues that you ought to withdraw certain words because they offend standing orders 53 and 54. I cannot make a judgment on that without looking at *Hansard.*

Questions without notice
Public liability insurance—park-care groups

MR QUINLAN: Yesterday Ms Tucker asked Mr Wood a question in relation to insurance. I have a more comprehensive answer. Given the opposition's involvement in insurance, I think it would be wise if I read it into *Hansard*, hopefully to avoid any further problems.

The previous insurance policy available via the ACT Insurance Authority, which provided cover for volunteers, lapsed on 30 June 2002, and the authority was unable to source an alternative policy. The authority had purchased this policy from the commercial insurance market and did not act as the insurer. The authority is not able, under its legislation, to directly insure parties other than territory employees. The volunteers policy was a policy negotiated by the authority that directly insured volunteers in the service of the territory.

The Civil Law (Wrongs) Bill 2000, introduced into the Legislative Assembly on 20 August 2002, seeks to protect volunteers from personal liability in the carrying out of community work for a community organisation. The liability will instead attach to the community organisation. While the bill gives protection to individuals, it will still be necessary for the organisation to carry public liability insurance.

To make public liability insurance more accessible and affordable for non-government service providers, the government has agreed to indemnify these organisations for losses above $5 million for each occurrence.

The authority has reinsurance protection in place to cover the liabilities arising from accidents of volunteers, but this is in excess of the first $5 million for any one claim. The authority is currently exploring options for a group insurance scheme through which community organisations would be able to access their own coverage for the first $5 million of any claim.

In the interim, an option is available to agencies whereby they may offer an indemnity to volunteers or community organisations and therefore assume the liability of those volunteers for claims of less than $5 million.

Whilst a decision to offer an indemnity lies with the agency, the authority may, by agreement, offer a counter-indemnity to the agency and thus protect the agency from financial consequences of an adverse event.

The government is also negotiating with insurers and the New South Wales government to allow inclusion of ACT community groups and sporting bodies in access to a group insurance scheme should one be established. Discussions to date have been promising but have yet to confirm an insurer or group of insurers to provide the cover.

The government has also agreed to the establishment of a risk advisory service primarily designed to assist community groups, sporting associations and small business to identify and manage their risks. This service should reduce the number and severity of claims and make the parties more attractive to potential insurers. The service is currently under

development in consultation with a range of interested participants. That is called consultation.

A series of advertisements in the local press and information on the government's key websites have publicised the ACT government's insurance hotline. Legislative Assembly members have been previously informed of the positive response of some of the calls to that hotline.

I table that answer for the benefit of members and in the hope that we will not play any more petty politics with insurance. I present the following paper:

> Voluntary park care groups—Insurance coverage—Copy of further answer to question without notice asked of Mr Wood (Minister for Urban Services) by Ms Tucker and taken on notice on 21 August 2002.

Paper

Mr Stanhope presented the following paper:

> Hepatitis C—Lookback program and financial assistance scheme—Reports for the quarters ending 31 March 2002 and 30 June 2002.

Land (Planning and Environment) Act—leases
Paper and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 April 2002 to 30 June 2002.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have now tabled covers leases granted for the period 1 April 2002 to 30 June 2002. I have also tabling two other schedules relating to variations approved and change of use charge collected for the same period.

In September 1997 Mr Humphries, as the then Minister for the Environment, Land and Planning, tabled a disallowable instrument, No 228 of 1997, for the direct grant of land for any or all of commercial, residential, industrial and tourism purposes. In the tabling statement Mr Humphries indicated that a copy of the lease and a statement setting out why the lease was granted would be tabled in the Assembly.

I have tabled, for the benefit of members, a copy of the leases granted under disallowable instrument No 228 of 1997 to TransACT Capital Communications Pty Ltd over block 6 section 57 Monash and block 4 section 11 Kingston. These leases will be used for communications hub buildings which will be an integral part of the communications network being established by TransACT. The network will promote competition in the industry, improve the quality of goods and services, expand consumer choices and provide a highly advanced communications infrastructure to the ACT community. Full market value was paid for each of the leases.

I have also tabled the lease granted over blocks 9 and 11 section 31 Belconnen to Efkar Pty Ltd and Pontians Pty Ltd. The land is adjacent to the Belconnen fruit markets, which is also owned by Efkar and Pontians. The lease was immediately consolidated with the existing lease for the markets.

It is in the public interest to have viable markets in the Belconnen area and to re-establish their position as a valuable and attractive community asset. It is considered that the investment by the applicant and the revitalisation of the markets will restore community acceptance of the markets as an attractive and rewarding place to shop.

Full market value, assessed at $85,000, was paid at the time of the grant of the lease.

A lease to Sports Centres Australia Pty Ltd is also tabled. The lease for block 7 section 3 Bruce was granted for the provision of an indoor swimming complex and associated facilities. As members would be aware, the ACT government entered a competitive tender process to select an operator for the development, financing and operation of an indoor swimming pool complex in the Belconnen district. Sports Centres Australia was awarded the rights to develop the complex and associated facilities.

This project will provide a high level of sporting and recreational amenities for the Belconnen community, and a broad cross-section of groups in the district will benefit from it.

The territory has entered into an agreement with Sports Centres Australia regarding the operation of a pool and the contribution of territory funds towards the capital cost of the project. In accordance with this agreement and the tender, the proposal will include core facilities comprising a 50-metre swimming pool, seating for 800 spectators and a free-form 25-metre leisure pool.

Sports Centres Australia has proposed a number of associated facilities, including a kiosk, a hydrotherapy suite, child-care facilities, a licensed sporting club, three multipurpose courts, a function room and a gymnasium. The territory will contribute $10 million to the construction of the core facilities.

The land was sold to Sports Centres Australia at market value.

Finally, I have tabled a lease over blocks 4, 5 and 6 section 31 Latham to Ross and Teresa Trimboli and Dominic and Maria Pelle. These blocks, together with block 1 section 31, owned by the same lessees, form what is known as the Latham shops.

Blocks 4, 5 and 6 are odd-shaped pieces of land fragmented but contiguous with block 1 section 31. It was considered that these individual parcels were not capable of being developed for any viable alternative use. Granting them to the owner of the adjacent block maximised their value, and their immediate consolidation with block 1 achieved a better planning and urban design outcome for the redevelopment of the Latham shops.

Each of the leases I have tabled will significantly improve the social, sporting or cultural wellbeing of the Canberra community.

Papers

Mr Corbell, on behalf of **Mr Wood**, presented the following papers:

> **Performance report**
>
> Financial Management Act, pursuant to section 25A—Quarterly departmental performance report for the June quarter 2002 for the Department of Health and Community Care.
>
> **Petitions—Out of order**
>
> Gungahlin Drive extension—Aranda—
>
> Mr Stanhope (54 citizens).
>
> Mr Stanhope (592 citizens).

Training excellence awards
Matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received a letter from Ms MacDonald proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The need for the Assembly to recognise the contribution that apprentices and trainees from all fields make to the Canberra community, especially those who have been nominated for tonight's ACT Training Excellence Awards, and to congratulate them for their achievement in being nominated.

MS MacDONALD (4.11): Mr Deputy Speaker, it gives me great pleasure today to rise in the Assembly to speak to this matter of public importance. Some of you may know that the ACT training excellence awards will be conferred tonight at a gala dinner and ceremony at Parliament House. Tonight's event will pay due recognition to the hard-working trainees and apprentices and to those dedicated and selfless people who have spent many hours teaching, training and providing lifelong skills, whether they be formal trainers or employers imparting their skills. I look forward to attending these awards and presenting some of them, as well as listening to Minister Corbell's speech tonight. I also look forward to the contributions of other Assembly members in recognising the achievements of tonight's award winners and nominees.

Mr Humphries: Do not count on too much happening.

MS MacDONALD: I am ever hopeful, Mr Humphries. I would like to take some time during this debate to look at past achievements and reflect on where we are heading with vocational education and training in the future. Amongst other things, tonight's awards will recognise the achievements of apprentices and trainees in our community. Having a genuine passion for vocational education and training before entering this place, which is quite rare, it should come as no surprise that I would want to talk about that valuable contribution made by apprentices and trainees to the community—to our community and to the Australian community in general.

With the inquiry into vocational education and training being held by the Standing Committee on Education, now seems an appropriate time to start analysing recent facts and figures and planning for a better vocational education training program in the ACT. Mr Deputy Speaker, I have to say that vocational education and training is one area where acronyms are coming fast and furious, as I am sure the minister will attest to, but my speech today is fairly merciful and will only refer to vocational education and training as VET. I will use just the one acronym.

Overall, 150 nominations were received this year for the ACT training excellence awards, with 33 of these nominations being received from apprentices and 49 being received from trainees. These nominations were narrowed down to a short-list of seven apprentices and 10 trainees, which was quite a narrowing down, I have to say. This year's finalists reflect the diversity of programs and occupations available under the new apprenticeships program.

The courses undertaken included, but were not limited to, horticulture in nursery science; electrotechnology in electrical systems; construction, including carpentry but not ending there as there were all the normal and traditional construction areas, such as building and plumbing; community services in aged care, which also had child care available; sport and recreation, which is a burgeoning area for traineeships; traineeships as librarians; and telecommunications and the call centre industry, which is an area in which, going back 10 years, you would never find a traineeship.

The majority of these finalists contribute a vast amount of their time and energy to community activities on top of doing their training. For example, one apprentice finalist is heavily involved in providing volunteer gardening services for the elderly and disabled. Another trainee finalist currently works as a personal care assistant in a residential home for the elderly. The contribution of these apprentices and trainees to the welfare of the Canberra community is profound.

At a time when our community seems to be becoming more inward looking, selfish and focused on what life can give to it, those two examples provide hope that there are community-spirited people out there, especially amongst our youth. The trainees and apprentices do not have to go above and beyond their role as trainees, but the skills, self-esteem and appreciation for life skills provided by their training have resulted in their positive behaviour. These selfless stories demonstrate clearly one of the valuable outcomes of vocational education and training.

I would like to turn briefly to the matter of participation rates. At 31 December 2001, the people participating in apprenticeships or traineeships in the ACT aged between 20 and 24 years comprised 40.5 per cent or two-fifths of the number of people undertaking

training. Those aged between 25 and 29 comprised 23.9 per cent or just under a quarter of the people undertaking training. Both ACT figures are significantly higher than the national average. Elsewhere participants are considerably younger. Our figures are probably linked to the very high retention rate in our school system. Even more interesting, Mr Deputy Speaker, is the figure left of 35.6 per cent over the age of 29 years. In my previous role and involvement with the Business Training Advisory Board, I and a number of my colleagues were huge advocates of mature-age training, so that figure is quite uplifting for me, I have to say.

It was found that 64.9 per cent of all apprentices and trainees were male. Overall, male and female, 46.2 per cent were involved in the trades and related work, while 21.8 per cent were undertaking intermediate clerical, sales and service work, leaving 32 per cent involved in other areas. Of those, 76.9 per cent attained a certificate III level apprenticeship or traineeship, while only 3.8 per cent attained certificate IV or higher. However, it is still commendable that they went on beyond the certificate II level.

The percentage of those attaining a certificate III in the ACT was higher than the national average of 74.4 per cent. Most apprentices and trainees, 75.5 per cent, undertake their training on a full-time basis, something which traditionally has been the case within the training sector but which I believe may well change over time as the nature of the workplace changes and more people undertake traineeships which are based on their workplaces rather than going straight into places such as the CIT.

Most of this training in the ACT, 55.3 per cent, is completed within two years. Nationally, 58.8 per cent of students undertake their training for more than two years. This figure is related to the structure of the ACT economy, with a large proportion of our businesses being in the service sector, where traineeships are more common than the longer apprenticeships. The total number of apprentices and trainees in the ACT at 31 December 2001 was 4,830. Nationally, the figure was 333,190. That shows that the ACT is a small player, but it is still an extremely significant player in the traineeship and apprenticeship sectors.

There have been many changes to the new apprenticeships program in recent times. New qualifications under the new apprenticeships program include certificates in the automotive industry—for example, for administration and service reception—and certificates in film, television, radio and multimedia, such as screen and television broadcasting. I have to say that that is one of the most interesting areas that I have seen, with things coming up on the television screen and rotating around. The trainees in the multimedia area learn how to do those things, but I do not know how they do them. They also get paid for making computer games. I do not understand that, but there you go! There is also certificate in health—for example, for cleaning support services—and a certificate in off-site construction, such as shopfitting. Of course, equity in and access to VET are ongoing priorities.

The ACT's VET sector, like any other VET system around Australia, has a wide variety of programs which assist people from underrepresented groups, such as those with a disability, the elderly, women, people from indigenous backgrounds, youths at risk and those from non-English speaking backgrounds—for example, training for intellectually disabled persons in the cleaning industry. In my previous role, that was one area in which I saw a lot of very valuable work going on, giving people with a disability a level of self-

esteem and respect for themselves from being able to go out and get a job which was not based in a sheltered workshop.

During 2001, the ACT administered the following equity programs to address the needs of the previously mentioned people: the industry training program, the pathways program, the adult English literacy and numeracy program, the new apprenticeships access program and the equity development program. The rates of participation in these programs for various equity groups in 2001 were: 618 women; 64 indigenous people; 184 people from non-English speaking backgrounds; 131 differently able people; and 97 youths assessed as at risk. Overall 1,094 people participated in these programs, which was a tremendous effort. Other programs accessible by these equity groups in 2001 included the user choice, school-based new apprenticeships and graduate administrative assistance programs.

The rates of participation in these programs in 2001 were: 1,631 women; 136 indigenous people; 418 people from a non-English speaking background; 90 disabled people; and 1,610 youths, that is, people aged between 15 and 19 years. A total of 3,885 people participated in these programs. Nationally, the number of VET students reporting a disability increased from 47,000 in 1996 to 62,100 in 2000. Canberra, in fact, has the second highest rate of participation of students with a disability at 4.7 per cent of all VET students. As the far-reaching and much needed reforms to the ACT disability sector continue, it is worth while noting that we can expect an even higher level of participation from these students.

The environment in which apprenticeships and traineeships are operating has two significant characteristics. Firstly, the ACT economy is buoyant, with encouraging prospects for growth in industry and employment. Despite the threats of doom and gloom from the opposition on the economic front, a well-received budget with a strong focus on education is delivering great results for the ACT. The recent 3.5 per cent unemployment figure shows that Labor is handling the economy well and creating opportunities for all Canberrans, especially in the area of vocational education and training.

Secondly, employers are seeing the clear benefits of being able to tailor their training to their workplace through having flexible arrangements. These factors have resulted in a noticeable increase in industry confidence in the more versatile training of apprentices and trainees. Apprentices and trainees themselves have access to facilities and support that allow them to achieve their ambitions. In return, they donate their time and energy to the community and support our local businesses with up-to-date skills and knowledge, which are of vital importance in keeping our local businesses viable in the Australian economy.

ACT Labor is committed to providing alternative vocational pathways for both our youth and our mature-age people who are seeking further skills. I look forward to the outcomes of the inquiry into vocational education and training and trust that they will go hand in hand with an increasingly buoyant and creative vocational education sector.

I would like to congratulate all of tonight's award recipients as we look forward to an even rosier future for vocational education and training. I know that they have worked hard to achieve their nomination in the first place and, whether they are just nominees or

the actual recipients of awards, they are all winners in that they are achieving skills from undertaking their training.

MR PRATT (4.25): Mr Deputy Speaker, I welcome Ms MacDonald's matter of public importance about the ACT training excellence awards celebrations, an event that I will be attending. Indeed, I am also looking forward very much to congratulating our apprentice and trainee award winners. I am glad to have been given the opportunity this afternoon to get up and speak about apprenticeship and training activities and VET in general.

Firstly, I congratulate the ACT Department of Education and Community Services on establishing and running these training awards. As far as I am concerned, this is a most important community activity because it is one that encourages and focuses on the ACT's most important asset—its youth, our future. In terms of the learning and educational process, the encouragement of youth from infancy onwards to strive to learn and feel proud of themselves and then, as they mature, to strive for excellence is a very important and fundamental practice that our community must always pursue, particularly in the teenage and young adult years. As parents of teenagers know, the encouragement versus stick approach is vital in helping our youth to achieve and attain their best.

I have spoken often of the importance of apprenticeship training and, more generally, of the importance of vocational education and training. I have stated often, I remind members, that VET and apprenticeship training have been and will continue to be a cornerstone of the opposition's developing education policy, the shadow policy. It was the previous Liberal government which broke the nexus created by previous Labor governments that saw the running down of VET and apprenticeship training in favour of a ridiculous and unrealistic education policy dictating that all students must aim for universities, regardless of their vocational capabilities and regardless of their aptitudes and/or their suitability for other important career pathways.

We see as a task of great urgency the rebuilding in our secondary school system of a substantive VET stream to capture and encourage those students suitable for trades, apprenticeships and other important non-tertiary training schemes. We believe that for too long potentially very capable young people hitherto forced through year 12 with university as their objective have been disenfranchised. That was something that occurred under our government as well as previous governments which were in power in the last decade.

Some of our youth have been denied the opportunity of doing what they are good at. They have been denied the making of a living when they were ready to start making a living and, indeed, they were ready and willing to make their contribution to society, be it going on to year 12 to get their year 12 certificate and then move into the workforce or perhaps going beyond year 10 and into the CIT stream with a view to moving into society in a technical trade capability role.

There is another important aspect to this earlier identification of youths who are suitable and in their own hearts most willing to venture down the VET apprenticeship track. I believe that a great many of the disruptive children and children with a learning difficulty in our schools have been children who have felt, as I was saying earlier, disenfranchised and neglected, at least neglected in terms of their educational and

vocational requirements. Not only is VET a vital element in the preparation of a significant percentage of the ACT's population for the workforce, but also it makes an important contribution to the student climate and student stability in our schools.

I was most pleased that the Education Committee of this place decided to take on an inquiry into VET. I have previously congratulated Ms MacDonald and Ms Dundas on their decisions on this very important issue for the ACT. I was also pleased to see the government in its election promises commit to carrying on with the previous government's excellent start in putting VET back on the education radar screen. To be sure, some initiatives have been commenced by the new government. However, I feel that insufficient progress has been made, certainly not enough to match the bellicose ALP pronouncements previously made. At least the government is heading in the right direction regarding VET. At least, as Ms MacDonald pointed out, the statistics have been encouraging over the last couple of years and illustrate that VET has begun to take on a more significant role and apprenticeship training has become a little more popular.

If VET and apprenticeship and technical training are as high on the priority list as the government has claimed, why have we not seen a substantial increase—indeed, any increase—in funding for the CIT? If we are not going to see a further expansion of capability within the CIT structure, how are we going to see any significant development in apprenticeship and technical training? Further, through analysing the budget process and the outcome of budget estimates, I cannot see any expansion of VET capability in our high schools and colleges. VET programs will be needed to be put in place within schools to complement the higher level of training of CIT programs. I look forward to the government presenting its strategic plan and departmental directives illustrating either that this is happening or at least that plans are on the drawing board.

The great challenge for the government is in developing a stronger marriage between industry and the CIT and schools on VET. I do not envy them this challenge. It will be difficult. Where the opposition can help in this process, we shall. I will continue to encourage the government to develop VET and technical training in the ACT, for it to be treated as a priority and to be integrated into the rich tapestry of our education system.

As I stated earlier, the government seems to recognise the need for VET and it has certainly moved in the right direction, but the community will expect this move to be hastened. Tonight's excellence awards will play a vital role in educating the community in general and parents in particular of the worth of VET and technical training; indeed, the viability of these programs as honourable and important educational options.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.33): Mr Deputy Speaker, I welcome the matter of public importance raised today by Ms MacDonald because this debate gives me an opportunity not only to highlight and congratulate the nominees for tonight's 65th awards night, but also to recognise the contribution that VET makes to our community.

In the spirit of the matter of public importance, I will not be seeking to make partisan comments about the adequacy or otherwise of programs, except to say, in direct response to Mr Pratt's comments, that CIT funding actually went up by $2.2 million this year and the government is continuing to support a range of initiatives, including the excellent

taste of retail program being conducted by Lend Lease at Woden Plaza, involving both Marist College and the Woden campus of the Canberra College. It is an excellent program that invites young people to take up a new apprenticeship in the retail industry.

I want to emphasise the importance of vocational education to realising the government's vision for a strong, prosperous and confident community. Vocational education and training plays by far the greatest role among the educational sectors in reskilling and upskilling people for all levels of the workforce. In a very cheeky comment I heard at the last MCEETYA meeting, the Queensland minister for vocational education and training congratulated the university sector on training and preparing young people for VET. In some respects, he was not far wrong when you look at the trends.

VET has a critical role in lifting the qualifications of those with low skills, a very important matter for social cohesion and for avoiding polarisation by youth income level as well as for economic performance. The VET system includes both publicly and privately funded training which is delivered by a wide range of institutions and enterprises. One of the distinguishing features of VET is that training providers, known as registered training organisations, are spread throughout all capital cities and metropolitan centres and across rural and regional Australia. VET provides training for Australians of all ages and backgrounds, for small and large enterprises across all industries and in many communities.

Students undertake many different types of training with different types of providers across various fields of study and subjects and at differing levels of skill acquisition. The amount of time that individuals spend in training varies considerably. Many people undertake training on a part-time basis whilst in employment and many people, having been through university, actually go on to VET to get the practical skills they need to implement the level of knowledge and skill they have already obtained. Many VET students also enrol in short, intensive programs aimed at developing a specific set of skills and VET also attracts students from overseas and students who are still at school. It is a very strong and diverse sector.

This year, as I indicated earlier, marks the 65th year for the ACT training excellence awards. These awards are a major event in the Canberra VET sector, celebrating the outstanding achievements of apprentices, trainees, vocational students, employers, schools and registered training organisations. The awards are hosted by the ACT Vocational Education and Training Authority in cooperation with the Accreditation and Registration Council and the student to industry program.

I would like today to focus on the contribution that apprentices and trainees make to the Canberra community and to recognise those who have been nominated for the awards this evening. Let me start by providing a bit of background to the new apprenticeships program. "New apprenticeships" is the brand attached to a national program which combines practical work with structured training. Students obtain a nationally recognised qualification as either an apprentice or a trainee. Apprenticeships are traditionally for four years, while traineeships are for one or two.

New apprenticeships are competency based, which means that the faster you achieve the required skill level, the sooner you complete your training. Students earn a wage while they train and the wage depends on the industry and the stage of training. Students can

start while still at school through a program called school-based new apprenticeships. This is an area of rapid growth. Participation in the ACT has doubled just in the past year. A total of 68 RTOs have been approved to deliver new apprenticeships this year. Employees, apprentices and trainees are able to select from a total of 180 qualifications. Nationally, there are over 400 occupations to choose from.

It is important to stress that vocational education and training has been very much a bipartisan effort for the past six to 10 years, as a result of a national commitment across all state, territory and federal governments to harmonise and create a uniform national training system. This is essential not only to the ability of young people—indeed, all people—in the VET sector to have transportability of their skills across jurisdictions, but also for the health of the national economy overall. Indeed, the new apprenticeships program is considered to be a significant success story. For example, a 2002 survey of apprentices, trainees and their employers showed that 87 per cent of the apprentices and trainees were satisfied or very satisfied with the quality of training.

The rate of participation in new apprenticeships in the ACT is growing. The number of apprentices and trainees commencing in the program during the 2002 March quarter was higher than those in previous years. In the March 2002 quarter the ACT had 1,490 commencements, compared with 1,350 in 2001 and 1,230 in 2000. Overall, participation by VET students represents 8.4 per cent of the working age population in the ACT.

Industry and training providers also play a very important role through group training arrangements which allow employers who may not be in a position to take on apprentices and trainees on a full-time basis to act as host employers. This is particularly important in the building industry. The ACT government has agreements with 10 group training organisations which employed, on average, 550 apprentices and trainees during 2001-02.

The issue for the future in the ACT is to focus on ensuring not only that VET is sustainable in the longer term but also that it continues to meet the needs of both industry and the people seeking training. Training must continue to be a tripartite responsibility of government, industry and those seeking the training. It cannot be allowed to sway too much one way or another. It must remain with those three bodies working together. Also, it should be seen not only as an area for the development and acknowledgment of practical skills and learning, but also as a way of continuing lifelong learning in the ACT.

The government will continue to focus on VET in the next six months or so in particular. I am looking forward to seeing the results of the inquiry by the committee chaired by Ms MacDonald and I thank her for her continuing interest in VET. VET has often been underestimated and underconsidered as part of political debate in the territory generally, but it is so important in giving people an opportunity to improve their skills and to recognise existing skills that perhaps do not have any particular qualification at this time. It is especially important for young people, particularly as a tool to engage young people in the learning process and to give some young people the opportunity to stay on and complete year 12 and then go on to further education and training.

School-based new apprenticeships in years 10, 11 and 12—indeed, starting in year 9—need to be continually reinforced. The government is very welcoming and supportive of those projects. A great project is currently being undertaken at the Ginninderra District High School, whereby the MBA group training scheme is engaging with the school to provide opportunities for young people at that school to undertake traineeships or apprenticeships in the building industry. That is a fantastic way of engaging young people whom otherwise may be at risk of dropping out of school before they even complete high school. It is a very important program.

The government will be looking over the next few months at the effectiveness and capacity of the moneys it spends on VET, will be reviewing the activities of programs such as the schools 500 program, and will be making sure that it is able to target VET moneys effectively to addressing the needs of our community overall, but particularly people facing disadvantage.

MS TUCKER (4.43): Apprentices and trainees are a very important part of our world of work. The structured training that young people gain through such schemes is important. There are numerous values to our community and to young people themselves in having qualified tradespeople, in people gaining accreditation for the vocational competencies they reach and in people celebrating and being proud of the skills they develop.

I am pleased to congratulate these young people on their work and their achievements. But there is a broader context to this discussion. Australia, with the rest of the highly developed world, has an education system which extends from early childhood to university. It is a system that generally privileges academic education and points people towards university. It dovetails with an economic system that rewards business and legal expertise most highly and human services at a diminishing rate.

Against the odds: Young people at work, edited by Bessant and Cook, puts the fragmented, casual, changing workplace of contemporary Australia into an historical setting. It makes the point that young people in the past, as in less sophisticated societies today, grew up in a world where work was integrated more into their lives. Since the Industrial Revolution and since then the information revolution, employment has become a more separate activity. For many young people, this fragmentation and disconnection from the world of work has an alienating consequence and, while the path of academic excellence can provide a path for some students, it will not work for them all. *Against the odds* also identifies intergenerational unemployment and poverty as an entrenched problem in our society.

Furthermore, the report of the National Education and Employment Forum titled *Bridging the gap between the haves and the have nots*, which was launched this week, addresses need and disadvantage. Its first recommendation is that all levels of government have to work collaboratively towards higher educational outcomes for young people who are disadvantaged and disenfranchised. It also calls for increased support and a wider array of options for young people, particularly those at risk.

School-to-work transition programs, more flexible learning situations, support for innovative community partnerships, structured post-school training such as traineeships and apprenticeships, accredited workplace training, and free and affordable post-secondary education are all vital ingredients in this mix. Neither this government nor the

Commonwealth is delivering particularly well on these fronts. Most particularly, they are failing to provide enough support and opportunities for those young people on the margins of work and school.

A recent submission by ACTCOSS to the ACT government's economic white paper provides a pertinent analysis of the ACT employment market. ACTCOSS argues that people with good employment skills are likely to leave Canberra for employment, leaving a pool of long-term unemployed trapped outside the world of work. ACTCOSS concludes that many people are unable to capitalise on expansion in the high-tech job market that ACT governments have been supporting and promoting.

These people need skills enhancement and direct employment assistance. ACTCOSS argues that, in short, there is a role for government in creating and maintaining jobs that facilitate access to the workforce by people who are disadvantaged. In that context, while we rightly congratulate the trainees and apprentices who will be celebrating at the training excellence awards tonight, we must look for a wider range of activities to provide a way into the world of work to many more young people.

Ms MacDonald mentioned that the ACT government has a good record on unemployment. But, as I know that Labor said in opposition, you have to be very wary of using those statistics in too broad a fashion, because we know from looking at the employment figures and the nature of employment that a high percentage of the employment is casual and part-time work. In fact, the increase in welfare payments that is a characteristic of Australia at the moment is a result as much as anything of the number of people who are accessing welfare because they are in part-time or casual work.

That is creating a situation where sometimes we have several generations of families which are actually living in poverty and unemployed. They have enough money to cope, thanks to welfare and safety net payments, but the really important social issue to recognise here is that unlike previous generations where we had different levels of socioeconomic status in our society—whether you call them classes or socioeconomic groups is academic—the so-called lower class or lower socioeconomic group now is characterised by the fact that it is not working as well as being on a low income.

The fact that a whole group of people in our society are not working has very complex social impacts in our society and that really does have to be acknowledged in any of these discussions. For that reason, the Greens certainly are very supportive of the raising of these sorts of issues and looking at how we can integrate people back into the world of work in a way that is meaningful.

MS DUNDAS (4.49): For 65 years the ACT training excellence awards have been given to outstanding local people starting out in their careers and to dedicated people who support apprentices and trainees in the workplace and the education system. Universities often hog the media limelight, but the vocational training institutions are delivering most of the tertiary education in the ACT and across Australia.

In any given year the Canberra Institute of Technology delivers new apprenticeships to around 5,000 people and more than twice as many take up other studies at the CIT that are relevant to their career paths. We have all been required to embrace the concept of

lifelong learning, because our society and economy are changing so rapidly. Institutions such as the Canberra Institute of Technology are well suited to the provision of lifelong training in conjunction with employment.

Changes in our society are affected by the age and gender breakdown of people participating in vocational training. Prior to 1992, mature-age apprenticeships were almost unknown, but today more than a quarter of the apprentices are 25 years of age or older and about 8 per cent are aged over 40. We will probably see the proportion of mature-age students increase further as we continue along the path that we have set ourselves of lifelong learning and different changes in workforce employment.

Women now make up about a third of the new apprenticeships nationwide, which is a marked increase on the proportion of females who took up apprenticeships before the traineeship system began in 1985. The creation of apprenticeships in the retail, clerical and service areas has driven this shift. The thousands of Canberrans who undertake to improve their skills while working for a fairly minimal training wage make an enormous contribution to our society and our economy. As I have often said, education is an investment, not a cost, and these new apprentices make an investment that benefits us all.

I think that there are some new apprentices who are being exploited by their employers and who are not being given proper on-the-job training. We must look out for them. But most employers and all educators do take their obligations seriously. I think there is great value in recognising the most outstanding providers as well as the most dedicated apprentices.

I, like my colleagues, am looking forward to the awards dinner tonight and I look forward to congratulating the people recognised at the ACT training excellence awards on the contribution they have made to building a skilled and capable community.

MR STEFANIAK (4.51): I think that I am the last speaker, which is an early warning for the Chief Minister about the next matter on which I will be speaking. I would also like to say a few words on this subject. I have listened to the debate with interest and thank Ms MacDonald for bringing on this matter of public importance. It is about a terribly important matter. It was good to see the bipartisan comments. Indeed, I do not often agree with Mr Corbell, but I certainly agree with what he said today, especially his comments about the bipartisan approach of all the state and territory governments and the Commonwealth and the real desire, which I noticed as well at the various MCEETYA meetings and training ministers meetings I went to over the years, to advance vocation education and training.

I am delighted with the advances made since I became involved in the area as a politician in 1995. I can recall making similar comments to those of Mr Corbell, Ms MacDonald and Mr Pratt about the need for placing greater emphasis on vocational education and training. The fact is that only 30 per cent of Australia's year 12 students go on to university—40 per cent in the territory—and the majority do not. The majority go out into the workforce. The majority here go out into the workforce, but very many indeed end up in our vocational education and training system. Our CIT has over 19,000 students, which is, I think, more than all of the universities in Canberra combined in terms of undergraduates.

We have a fairly vibrant private training sector. I have been delighted to see over recently times a huge jump in year 11 and 12 students doing VET courses. The number has gone up from about 700 students in both the government and non-government sectors in the mid-1990s to at least half of all of our students now doing at least one VET course in year 11 and 12 in both systems. I think that that is something that needs to continue.

I was interested in Mr Corbell's remarks about the Queensland minister thanking the university system for training up people for VET, because the big trend now with university graduates who want to get a job in an area in which they want to work is for them to go and do a 12-month diploma or a certificate course to bone up on their practical skills. I am delighted to see the interplay now between the universities and the VET sector in terms of tertiary education.

Our own CIT has a number of course for which you can get a certificate and then a diploma and an advanced diploma and then go to the University of Canberra for a year and end up with a degree. I am thinking of some of the design courses there. The ever-expanding cooperation between the university sector and the VET sector is terribly important. But not everyone wants to go to university. Everyone has their unique skills and the expansion of the types of traineeships and apprenticeships people can do now is terribly important. It needs to be encouraged and it needs to continue to be fully supported because it is crucially important to the development, not only of the ACT, but of our country. Some of the employment growth that we have seen in recent times in the territory has been assisted greatly by our strong, vibrant and growing VET sector.

I extend my congratulations to whoever is going to win tonight's awards. I have had the pleasure of handing out a number of awards since 1995. I think that this will be the first time for Mr Corbell. It will be an excellent night. There will be some truly wonderful young and no so young people there. I can recall going to Sydney for the national awards in my first year as minister for education and training. The winners of each of the categories go on to the national awards and in that year we were lucky to have the Australian trainee of the year, who was a charming and very talented young lady. We won another award for a student who had been, I think, a postman and had gone back to train up in the VET sector and he won a national award at the age of 59. We have always been well represented by our students who have won these awards and gone on to the national awards.

I went to school with one bloke who won an award in about 1971 for apprentice of the year. Another bloke I played football with picked one up in 1984. I know that he was a hell of a lot happier about picking up that award than the award he got at Royals for being the prettiest back. The list of people is very impressive list and I am just delighted with the diverse ages. There are some awards now for the best indigenous students. The evening is excellent. Some wonderful people are nominated for these awards. It is interesting to see what the people who do win have actually achieved.

My congratulations go to them all and I thank Ms MacDonald for bringing on the debate. I am delighted, as a former education minister, with the support in this chamber across all of the groups represented for this absolutely essential vibrant sector.

MR DEPUTY SPEAKER: The time for this discussion has concluded.

Justice and Community Safety Legislation Amendment Bill 2002

Debate resumed.

Detail stage

Clause 1 agreed to.

Clause 2.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.57): I move amendment No 1 circulated in my name *[see schedule 1 at page 2721]*.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 13, by leave, taken together and agreed to.

Clause 14.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.58): Mr Deputy Speaker, I seek leave to move amendments 2 and 3 circulated in my name together.

Leave granted.

MR STANHOPE: I move amendments Nos 2 and 3 circulated in my name together *[see schedule 1 at page 2721]*.

The amendments relate to the Children's Court Magistrate. These issues were touched on in the broad debate at the in-principle stage and I acknowledge the comments that were made by both Ms Dundas and Ms Tucker. To a large extent I share the sentiment that was expressed by both Ms Tucker and Ms Dundas. They, to some extent, reflect my view and the government's view in relation to the issue.

As I explained, there is some tension in a small court of only eight magistrates to provide a completely separate Children's Court structure and system. What the government is attempting to do is ensure that we can maintain the integrity of a Children's Court Magistrate service for children who come before the court. We are conscious of the special needs of children. We are conscious of the need for magistrates in the court to develop some empathy, speciality and particular understanding in relation to children.

I have to say that I believe that magistrate Shane Madden has made a very significant impact as a specialist Children's Court Magistrate. The government is committed to ensuring that we continue with a Children's Court Magistrate. What we are seeking to do is ensure that there is a capacity within the court to meet its other responsibilities as well, and that there is some flexibility.

Amendments agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 34, by leave, taken together and agreed to.

Proposed new part 9A.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.01): Mr Deputy Speaker, I move amendment No 4 circulated in my name, which inserts a new part 9A *[see schedule 1 at page 2721]*.

This part seeks to amend the Periodic Detention Act 1995 by providing that when a place is both a remand centre and a detention centre, the Periodic Detention Act applies only to detainees and applies in relation to the place only to the extent that it is used as a detention centre. Together with the amendments to the Remand Centres Act 1976, this means that detainees are governed by the PDA and remandees are governed by the RCA, even when they are housed in the same building.

As a matter of policy, it is recognised that detainees and remandees should be kept separate wherever possible. Accordingly, the Director of Corrective Services must ensure that detainees are held at a centre with both remand and detention purposes only if a centre dedicated solely to detainees is not available.

Mr Deputy Speaker, I am aware—and Mr Stefaniak alluded to this earlier today in discussions with me in my office—that there are some real issues in relation to this proposal, and I might just give some background.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR STANHOPE: Mr Deputy Speaker, I will go to some of the background issues in relation to these amendments, because I am aware of Mr Stefaniak's and the opposition's views. The Periodic Detention Centre has a maximum capacity of 30 people. Based on average attendance figures from the preceding 18 months, this capacity should usually be sufficient to cope with demand. At least 30 detainees have attended each weekend since the PDC opened.

The increase is actually quite difficult to explain, as the average weekly number of people subject to periodic detention orders has actually decreased from 2000-01 to 2001-02, and also the percentage of these people presenting for detention each weekend has, on average, decreased slightly over this time. So it is difficult in that context to say how often detainees would need to be held in a remand centre. The Periodic Detention Act allows detainees to be granted leave of absence and to miss up to two consecutive weekends of detention. This makes it difficult to accurately estimate the number of people who will attend on any given weekend.

If the amendments are not made, Corrective Services would have to turn away people who present for weekend detention once the Periodic Detention Centre is full. We are seeking to address with this amendment the circumstance in which we have more people appearing for periodic detention than we have places for. The reality is that people sentenced to periodic detention and presenting at the Periodic Detention Centre on a Friday night for their weekends detention are being told to go away, that there is no space for them. The issue is that those people then have to make up that period of detention. This circumstance does not relieve them of their obligation. It does not reduce the sentence; it simply extends it.

Because there is no space, the duration of the sentence of somebody sentenced to six months periodic detention is extended. This is, of course, extremely inconvenient for those who have been sentenced and for the people who are affected. For a whole range of reasons—not just the fact that it is inconvenient—this is undesirable. It is, of course, preferable and intended that people who have been sentenced to periodic detention be allowed to discharge their sentences promptly. I think periodic detention would certainly be brought into some disrepute if we arrived at a circumstance where people sentenced to periodic detention lost the capacity to undertake the sentence that they have been given.

I anticipate that Mr Stefaniak may go to issues around the United Nations body of principles for the protection of persons under forms of detention or imprisonment. This was something that I was acutely aware of at the time that I agreed to this amendment. Principle 8 of the United Nations body of principles for the protection of all persons under any form of detention or imprisonment provides that persons in detention shall be subject to treatment appropriate to their unconvicted status and accordingly shall, wherever possible, be kept be separate from imprisoned persons. As you will have noted, the principle is not expressed in absolute terms. Rather, the convention establishes a principle that unconvicted persons and convicted persons should be kept separate wherever possible. We fully intend to abide by this principle.

The procedures ensure that the two groups are kept separate. Detainees are only taken to the remand centre overnight. During the day they are at the PDC. Detainees are taken to the remand centre only after remandees are locked down and leave the remand centre the next morning before the remandees are allowed out of their rooms. Detainees are held in a separate yard to the remandees. Due to the nature of periodic detention, a detainee would be housed at the remand centre two nights per week at most. Consequently, and in accordance with the UN principle, detainees and remandees are kept separate wherever possible. The proposed amendments will reinforce the principle by ensuring that detainees can only be held at a remand centre if the PDC is full.

That is the basis of the arrangement that has been made—an arrangement to be utilised only in urgent circumstances where people may present at the Periodic Detention Centre and there being no capacity at the detention centre to take them; and the prospect of their being detained overnight at the Belconnen Remand Centre.

As I say, the amendments to both the Remand Centres Act and the Periodic Detention Act will ensure that when an area is declared as both a remand centre and a detention centre the provisions of the relevant act will apply to people detained in a centre. When explaining the purpose of the amendment I pointed out that the Remand Centres Act will apply to remandees in the centre and the Periodic Detention Act will apply to periodic

detainees in the centre. Every effort will be made to ensure that they are kept separately and distinctly.

The government is seeking to legislate in respect of this prospect or possibility. We are looking at the very distinct possibility, the anticipated possibility, that we will sooner rather than later have a situation where someone will be turned away from a periodic detention centre and they will be told to go home. They will present and there will not be room or capacity. They will be told simply to go home and to try again the following weekend. In terms of corrections policy and the integrity of sentencing and punishment and the systems we have in place, I think it is quite unacceptable that somebody sentenced by the courts to periodic detention cannot basically participate in the scheme, cannot undergo the sentence or the punishment, because we simply don't have the capacity for them.

The amendments seek to clarify that purpose and protect against that eventuality. They seek to ensure that if we ever arrive at those circumstances, the law is absolutely clear and that we are not breaching the rights of either remandees or detainees. They seek to ensure that the law is explicit, clear and is being abided by. We are simply protecting against a situation that we believe will almost be inevitable—that we will run out of space sooner rather than later and we will have people presenting for punishment pursuant to court order and not be able to undergo it.

MR STEFANIAK (5.10): I thank the Chief Minister for his explanation, and I take it he was talking to both amendments 4 and 5.

Mr Stanhope: Yes, I was.

MR STEFANIAK: Might I say at the outset that whilst again it is not ideal, the opposition does appreciate the practical problems and also the difference between amendments 4 and 5. I understand that amendment No 4 to the Periodic Detention Act is necessary because of what is proposed in relation to remandees at Symonston. The opposition will be supporting that. I note and appreciate what the Attorney said about the UN convention and the desirability and need in relation to both acts to keep separate remandees and prisoners who are periodic detainees. I am sure Corrective Services will do their best to do that. However, I can appreciate the government's problem in relation to what it is doing at Symonston. The second point I want to make is that periodic detention is, of course, at weekends and there is obviously the potential for usage during the weekdays, which may on occasions assist.

The opposition has a slightly different view in relation to amendment No 5, which relates to the Remand Centres Act. I think there is the distinct possibility—and I note it hasn't happened yet—which was alluded to by the Chief Minister, of periodic detainees staying, even overnight, at a remand centre; in a centre where there are remandees. I suppose it is not quite like the situation in which most Australian jurisdictions ensure that there is a separation of the people on remand from the people sentenced to imprisonment.

The situation is somewhat the reverse here because many of the periodic detainees have been sentenced for lesser offences than some of the people on remand—I don't think we have murderers on periodic detention in the ACT. But certainly there are some people on

remand awaiting sentence who have committed, or some people waiting to be dealt with by the courts who are alleged to have committed, some very serious offences. Some periodic detainees might be there for far lesser offences.

There is a real concern about putting those types of persons in the same building and the same complex, despite the very best efforts to keep them separate and despite the obvious care that would be taken. The Chief Minister has told us that there are conventions that relate to this matter and that systems have been put in place to try to avoid, wherever possible, this sort of thing happening. The opposition will not be supporting amendment No 5 but we will, as I say, support amendment No 4.

MS DUNDAS (5.14): In my speech at the in-principle stage I indicated that I would be supporting the JACS amendment bill and I will still support the bill with the late amendments that were tabled this morning to the Remand Centres Act and Periodic Detention Act. Although I do have some sympathy with the motives behind the Liberals' position as stated by Mr Stefaniak, I do not think it is appropriate to make a practice of relocating remandees, who are often detained for prolonged periods. Detainees are entitled to decent treatment and I think we should provide their lives with as much stability as we can. Stability of prisoner accommodation is necessary for the effective delivery of medical, educational and rehabilitation services to those in remand.

We should be looking at the bigger picture. I was very concerned to learn during estimates hearings that on average about one half of those scheduled to attend periodic detention actually fail to show up. I also learned that if all people on periodic detention did show up, we would not be able to house them, and the Chief Minister talked about this position. Obviously we all agree that this is clearly an unsatisfactory situation.

Allowing remand centres to be used for periodic detention and allowing periodic detention centres to be used for remandees, as these amendments propose, definitely is not going to solve a problem of this scope. The amendments are, at best, a stopgap solution. I hope that the government plans to find a sustainable solution to this problem in the near future. In the interim, I am willing to support the government's amendments—both amendment 4 and amendment 5—and hopefully we will see a solution to this long-term problem in the near future.

MS TUCKER (5.15): The Greens will also support this legislation. We had a briefing and went through some of the concerns that Mr Stefaniak raised with officials. We are of the view that the legislation will ensure that periodic detainees will not mix with remandees and that remandees will be what is called "locked down"—it sounds horrible, but anyway—by the time periodic detainees go to their accommodation. As other speakers have said, it is obviously not the best situation; it is not good at all. The situation generally in Canberra is far from good for people on remand as well as periodic detainees.

This government is doing its best to make up for the neglect of the previous government. There have been concerns for a long time about what has been going on. We have had a debate about a prison, and that is continuing. The Legal Affairs Committee, of which I am a member, has taken on a watching brief in respect of what is happening with the prison under this new government. But meanwhile we have to deal with the reality that there are periodic detainees and there are remandees, and we don't have space.

MR SMYTH (5.17): Mr Deputy Speaker, I want to make the simple point that all remandees are in fact maximum security prisoners whether they are judged dangerous or not, and they are kept in maximum security circumstances. Periodic detainees are in periodic detention because a judgment has been made that they are not to be held in jail and they are capable of being released into society, serving their time on the weekends.

I think amendment 4 is a desirable outcome, and it will have our support. The government has made its intention clear that it is appropriate that any overflow of people from the Belconnen Remand Centre should go to Symonston. I think, in fact, this is an indication of their lack of commitment to building a prison and a remand centre. We have yet to hear about a choice of sites, we are yet to see the guidelines and the selection criteria for both of those projects, and we are yet to see the guidelines for the removal of prisoners from the BRC and sending them to the Symonston facility.

I do not think this is the appropriate answer. I can understand the need to make the PDC also a remand centre. It is something they are spending a lot money on and we should take advantage of it. But I do not believe that it is appropriate to send somebody turning up for periodic detention across to the remand centre. As Ms Dundas pointed out, long-term remandees should have some stability and shouldn't be shunted from cell to cell. But there must be a blend that will in the short term enable some remandees to be allocated to the BRC rather than to the Symonston facility, allowing periodic detainees to remain together. And that is the point—periodic detainees should not be held in maximum security facilities.

Proposed new part 9A agreed to.

Clauses 35 to 54, by leave, taken together and agreed to.

Proposed new part 10A.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.19): I move amendment No 5 circulated in my name, which inserts new part 10A *[see schedule 1 at page 2721]*. Mr Deputy Speaker, as we have just had effectively a cognate debate on this, I don't feel the need to say anything else.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.19): Mr Deputy Speaker, I will just make, very briefly, a couple of points. I think the people have got the message that in fact we need flexibility and we are not really going to be in the situation in the longer term of periodic detainees ending up at Belconnen.

Mr Smyth made the point that periodic detainees should not be in maximum security. Although something has a maximum security facility, you don't have to lock all the locks and you can actually tone it down. But you have to have it because you can't wind up a periodic detention centre site. We do need that facility; we need that facility chronically.

Mr Smyth: What things would you leave out? What would you leave unlocked?

MR QUINLAN: You understand the point, I think, that in fact you could put people in maximum security—a facility capable of maximum security, incarceration—without necessarily having all of the facilities there imposed upon them, and if you don't get that you are just being obtuse.

Amendment agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Adjournment

Youth InterACT

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.21): I move:

> That the Assembly do now adjourn.

Mr Deputy Speaker earlier today in question time Mrs Cross asked a question about the government's new Youth InterACT initiative. In her question Mrs Cross said that she understood that the Youth Coalition were critical of the government's decision to establish the new ministers youth council. She also poured scorn on the proposal that members of Youth InterACT—the ministers youth council—should be paid and she indicated that the Youth Coalition did not agree with either of these proposals.

This afternoon my office contacted the Youth Coalition to clarify their position. They have confirmed to my office that the coalition are in favour of remunerating young people on the council for their contributions. In addition, the Youth Coalition have confirmed that they welcomed the establishment of the ministers youth council and wanted to make sure that it reflects the appropriate socio-economic mix of young people in Canberra.

This is obviously an issue of concern and importance to the government as well and the government will shortly be announcing the composition of the council and will be working to ensure that there is an appropriate and representative group of young people on that council. I think, in light of this confirmation, Mrs Cross should reflect on the question she asked me in question time today and the other comments she made by way of interjection, and decide whether or not what she said is accurate.

Detention centres

MS GALLAGHER (5.23): Mr Deputy Speaker, I rise to talk about an article on the subject of detention centres that appeared in the *Canberra Times* today correcting an article that appeared in the *Canberra Times* on 11 August. In the article published on 11 August the *Canberra Times* made two significant errors which they have noted in today's paper. Firstly, the question published was not the one the respondents replied to. The question published was: "Should children be freed from detention camps holding

asylum-seekers?" The original response published was: "Yes, 18 per cent. No, 71 per cent." From this we were led to believe that 71 per cent of respondents believed children should not be freed from these places.

Today, in a tiny corrections article on page 2 of the *Canberra Times*, we are told that the question actually should have read, "Should children be held in detention camps holding asylum-seekers?" and that the response should have been "Yes, 18 per cent. No, 82 per cent". So the true result of this tele-poll was that 82 per cent of the respondents didn't believe that children should be held in detention camps. I don't want to speak about my views on refugees and people seeking asylum in this country but I do want to draw the mistake by the *Canberra Times* to the Assembly's attention.

The debate about refugees and asylum seekers in this country is an important one and the mistakes made and published in the *Canberra Times* do not do anything to inform the debate. They only contribute to the already abundant amount of misinformation.

I also note, Mr Deputy Speaker, that you put out a media statement on the original incorrect article in the *Canberra Times*. I acknowledge that the statements made in this release were based on the published facts at the time in the *Canberra Times* article but I think in light of the corrections noted in the *Canberra Times* today you should also note that this statement was incorrect.

Question resolved in the affirmative.

The Assembly adjourned at 5.25 pm, until Tuesday, 27 August 2002, at 10.30 am.

Schedules of amendments

Schedule 1
Justice And Community Safety Legislation Amendment Bill 2002

Amendments circulated by the Attorney-General

1
Clause 2
Proposed clause 2 (1)
Page 2, line 6—

omit clause 2 (1), substitute

(1) Parts 2, 4, 5, 7, 9A and 10A commence on the day after the Act's notification day.

2
Clause 14
Proposed new section 53 (3)
Page 8, line 22—

insert

(3) Subsection (2) is subject to—
(a) section 53A (Assignment of other magistrates to deal with Childrens Court matters); and
(b) section 53B (Completion of part-heard matters).

Note A magistrate assigned to act as Childrens Court Magistrate under s 51 is the Childrens Court Magistrate for this Act (see s 51(2)).

3
Clause 14
Proposed new section 53B
Page 10, line 2—

insert

53B Completion of part-heard matters
(1) This section applies if—
(a) a magistrate begins to deal with a Childrens Court matter under this chapter; and
(b) the magistrate ceases to be the Childrens Court Magistrate or to hold an assignment under section 51 or 53A before the matter is finally decided.
(2) The magistrate may continue to deal with the matter until it is finally decided.
(3) The Magistrates Court is also known as the Childrens Court when it is constituted by a magistrate who is acting under subsection (2).

4
Proposed new part 9A
Page 39, line 21—

insert

Part 9A Periodic Detention Act 1995

34A Act amended—pt 9A
This part amends the *Periodic Detention Act 1995*.

34B New section 42A
42A If detention centre also remand centre
(1) This section applies if a place declared to be a detention centre under section 42 is also an area declared to be a remand centre, or a temporary remand centre, under the *Remand Centres Act 1976*, part 2.
(2) This Act—
(a) applies in relation to the place only to the extent that it is used for this Act; and
(b) applies only in relation to a person who is a detainee under this Act.
(3) The director must ensure that the place is used to hold detainees under this Act only when a place that is not also a remand centre is not reasonably available to hold the detainees.

5
Proposed new part 10A
Page 45, line 5—

insert

Part 10A Remand Centres Act 1976

54A Act amended—pt 10A
This part amends the *Remand Centres Act 1976*.

54B New section 5A
5A If remand centre also detention centre
(1) This section applies if an area declared to be a remand centre, or a temporary remand centre, under part 2 is also a place declared to be a detention centre under the *Periodic Detention Act 1995*, section 42.
(2) This Act—
(a) applies in relation to the area only to the extent that it is used for this Act; and
(b) does not apply in relation to a person who is a detainee under the *Periodic Detention Act 1995*.

54C New section 15 (5A)

insert

(5A) To remove any doubt, if an area that is a remand centre is also a detention centre under the *Periodic Detention Act 1995*, this section does not prevent a person who is a detainee under that Act from being held in the detention centre.

54D Section 15

renumber subsections when Act next republished under Legislation Act 2001

Answers to questions
Debits tax
(Question No 169)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

(1) What is the quantum of debits tax collected in the ACT for the current financial year as at 31 March 2002?

(2) Is the quantum of debits tax collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?

(3) What has been the trend in the payment of debits tax during the period between 1 October 2001 and 31 March 2002?

(4) How has this pattern of payment of debits tax varied from the same period in the previous financial year?

(5) What has been the basis for any changes in the pattern of payments of debits between this and the previous financial year?

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

(1) As at 31 March 2002, $10.6m of Debits Tax had been collected and recorded as revenue.

(2) The 2001 ACT Budget forecasted Debits Tax totalling $14.7m to be recognised as revenue during the 2001-02 financial year. As of 31 March, collections of $10.5m represent 71% of the original budget estimate (or 75% of the 2001-02 estimated outcome).

(3) Total Debits Tax, as at 1 October 2001 was $3.4m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was $1.2m.

(4)

Debits Tax		**Oct**	**Nov**	**Dec**	**Jan**	**Feb**	**Mar**
		$'000	**$'000**	**$'000**	**$'000**	**$'000**	**$'000**
2000-01	Month	417	1,270	1,212	1,316	1,001	1,061
	YTD	4,710	5,980	7,192	8,508	9,509	10,570
	% of Audited Outcome	33%	42%	51 %	60%	68%	75%
2001-02	Month	1,521	572	1,166	1,611	1,155	1,044
	YTD	4,906	5,478	6,644	8,255	9,410	10,454
	% of Est Out	35%	39%	48%	59%	68%	75%

The table above indicates the pattern of revenue for the two periods.

(5) The pattern of payments for debits tax has remained fairly consistent from 2000-01 to 2001-02.

Vocational education and training—funding (Question No 178)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

(1) What is the quantum of vocational education and training funding received in the ACT for the current financial year as at 31 March 2002.
(2) Is the quantum of vocational education and training funding received as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget
(3) What has been the trend in the payment of vocational education and training funding during the period between 1 October 2001 and 31 March 2002
(4) How has this pattern of payment of vocational education and training funding varied from the same period in the previous financial year
(5) What has been the basis for any changes in the pattern of payments of vocational education and training funding between this and the previous financial year

Mr Corbell: The answer to Mr Humphries' question is:

(1) $15,695,355
(2) Since estimates prepared for the ACT 2001 budget were for the whole year, the quantum of funding received as at 31 March 2002 is less.
(3) Payments of vocational education and training funding in the periods 1 October 2000 and 31 March 2001 and 1 October 2001 and 31 March 2002 are:

Year	OCT	NOV	DEC	JAN	FEB	MAR
00-01	$3,800	$4,339,212	$1,722,938	$671,326	$42,166	$4,111,089
01-02	$304,655	$3,673,661	$93,591	$8,575	$5,024,512	$98,160

The trend for both periods is in the graph below.
(4) The pattern is variable, so it is difficult to discern any particular trend.

External Revenue Received

Graph included

(5) The major basis for change between the two periods is that the major ANTA payment received in March in 2001 was received in February in 2002.

Inquiries, reviews, committees and task forces (Question No 199)

Mr Humphries asked the Minister for Education, Youth and Family Services/Planning/Industrial Relations, upon notice:

a) Please advise of all the inquiries, reviews, committees and taskforces that you or agencies under your direct control have established since appointment as Minister in November 2001.
b) How much has each of these cost to date and what has been the total cost to Government of these projects.
c) What is the cost of these projects to each agency.
d) What is the reporting date for each of these projects.
e) What are the terms of reference or guidelines for each of these projects.

Mr Corbell: The answer to Mr Humphries' question is:

A total of ten inquiries, reviews, committees and taskforces have been established since my appointment as Minister for Education, Youth and Family Services/Planning/Industrial Relations in November 2001. The list is attached in the following table:

Attachment A

Project to examine workforce planning issues for child care services in the ACT

Terms of Reference

1.1 PROJECT DESCRIPTION

1.1.1

Through consultation with the ACT children's services sector, the Liquor Hospitality and Miscellaneous Workers Union, the ACT Government and children's services training providers, the review aims to:

Provide a summary of training available, including the types of qualifications issued;
Quantify the number of students graduating with each qualification and determine the number who gain employment and those who are studying while employed;
Analyse separation statistics;
Determine the current numbers of staff employed in each area of child care;
Determine the current number of staff employed in qualified positions, including those whose training does not meet the qualification requirements;
Analyse the barriers to recruitment and retention of staff, including rates of pay;
Develop recommendations to assist reduce the barriers to recruitment and retention and improve access to training;
Examine the implications for childcare services.

1.2. SCOPE OF SERVICES

1.2.1
Consultation Aim

To inform the national workforce improvement project by providing a case study of ACT child care services that investigates the extent to which supply of staff, particularly qualified staff, meets the requirements for children's services and looks at possible implications for workforce planning in child care.

Consultation will occur with major stakeholders in the childcare sector including childcare staff, employers, unions, training organisations, and others agreed to by the steering committee.

Attachment B

Inquiry into ACT Education Funding

Terms of Reference

Introduction

Education is a priority for the ACT Government, which regards it as a public entitlement and education expenditure as an investment in the ACT's future. Investing in our children and young people is the best means of securing jobs for them and ensuring a solid future for the ACT.

The Government is committed to conducting an open inquiry into ACT education funding in particular into the needs of all ACT government and non-government schools.

Broad Policy Principles

The ACT Labor Government sees its primary responsibility in education being to provide well staffed and well equipped public schools, accessible to all children.

The critical objective is to optimise quality outcomes for all students. ACT citizens have a right to expect this.

ACT citizens are also entitled to exercise their right to obtain a non-government school education for their children.

Public funding is not infinite and the Government makes education-funding decisions in the context of overall relative priorities. The Government is committed to ensuring that available ACT education funding is distributed equitably and on the basis of greatest need.

Terms of Reference

The Inquiry is to review ACT school education funding arrangements and report and make recommendations on:

Current funding and resourcing arrangements for government and non-government schools;

A policy framework and methodology for the identification of relative needs of students;

A policy framework and options for replacing or enhancing the current funding arrangements for government and non-government schools which, inter alia, acknowledge the relative needs of students and which are financially sustainable into the future; and

Any transitional and other implications associated with proposed funding methodology options.

The Inquiry is to invite public submissions and be available to consult with stakeholders.

The Inquiry is to take into account, but not be limited by, the following:

Issues of effectiveness, equity, transparency, accountability, consistency and predictability;

The impact of Commonwealth Government school funding policies;

Complementary research carried out by other Australian jurisdictions

The work of the Ministerial Council on Education, Employment, Training and Youth Affairs task force on schools resourcing; and

Work on a needs based funding model by the Department of Education and Community Services.

The Inquiry Head is Ms Lyndsay Connors who will be assisted by expert support to be engaged at her discretion.

The Department of Education and Community Services will provide secretariat support to the Inquiry.

The Inquiry Head is to provide a final report to the Minister for Education, Youth and Family Services by November 2002.

Government primary school students (Question No 210)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 4 June 2002:

In relation to the tender notice that was advertised for the *Provision of a Health and Fitness Assessment Program for ACT Government Primary School Students* in July of last year (where submissions closed on 31 August 2001):

(1) Has the tender been finalised and if it has not, why not.

(2) What does the Government plan to do, within the school framework, to combat the growing number of children that are being diagnosed with obesity.

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

(1) The Government has decided not to proceed with the 2001 tender for a Health and Fitness Assessment Program in primary schools and tenderers have been advised of this decision. The tender did not proceed because it would preempt the Standing Committee on Health inquiry into the health issues of school-aged children.

(2) The Government will wait for the outcome of the Legislative Assembly inquiry into the health of school-aged children before proceeding further. Outcomes from this inquiry will have clear implications for any future school programs. The ACT Department of Education and Community Services is contributing to a submission to the inquiry being prepared by the ACT Department of Health and Community Care.

Education—boys (Question No 211)

Mr Pratt asked the Minister for Education, Youth and Family Services, upon notice, on 4 June 2002:

In relation to a tender advertisement from July 2001 for a consultant to produce a research report on Improving Educational Outcomes For Boys and a subsequent report that was expected to be completed in December of last year:

(1) Has the report been completed and if not, why not.

(2) If completed, has the Minister received the report.

(3) If the Minister has received the report will he make the findings public.

(4) What does the Government plan to do with the report and its findings.

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

(1&2) ADJ. Martin Research Pty Ltd was the successful tenderer for the Department of Education and Community Services' consultancy project: *Improving* the *Educational Outcomes of Boys in the ACT*. The terms of reference for this project are:

- to research the current practices and issues in the area of the education of boys;

- to provide an analysis of what is currently happening in the ACT in regard to the education of boys;

- to provide an analysis of ACT Government schools data relevant to the educational outcomes of boys education; and

- 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 2001. The timeframe was 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 will not exceed $20,000.

Dr Martin has completed the first phase of the consultancy involving:

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; and

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 two of the project includes:

case studies in two ACT high schools involving interviews with students and teachers; and

interviews with several key education researchers. The ACT Parents and Citizens Council and the Australian Education Union - ACT Branch will also be interviewed.

(3) The Government is keen to have the Interim Report publicly available prior to the completion of the project and the submission of the final report. The department is currently arranging for the Interim Report to be available on the department web site.

(4) The Report is expected to provide useful material to inform the work of the department. The Report findings will inform the work of schools in developing programs and strategies to improve the educational outcomes of boys.

The outcomes of this research will also inform the ACT response to the *House of Representatives Standing Committee* on *Education and Training - Inquiry into the Education of Boys* and the Department of Education, Science and Training/Curriculum Corporation *Boys Literacy* research project.

When the House of Representatives was dissolved prior to the 2001 Federal election its committees ceased to exist and the *Education of Boys Inquiry* reference lapsed. A new standing committee has since been established and appointed. The Minister for Education, Science and Training, the Hon Dr Brendan Nelson MP, 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 Andrew Martin will provide additional material to add to the submission of the ACT to the *House of Representatives Standing Committee on Education and Training Inquiry into the Education of Boys.*

Nicholls early childhood centre (Question No 213)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice, on 6 June 2002:

In relation to additional child care places in a demountable at the Nicholls Early Childhood Centre which were programmed to become available in the first week of April:

1) On what date did the places become available.

2) How many additional places became available.

3) What caused the delay in the places becoming available.

4) How many staff, at what qualification levels, work at the centre.

5) Have all the places been filled.

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

1) The transportable at Nicholls Early Childhood Centre was handed over on 29 April 2002. The additional places became available to families from 6 May 2002. With the addition of the extra 27 places, the service planned a smooth transition to the new arrangements. As a part of this transition, the service provided the children and families already attending the centre with a week to adjust to the new arrangements, prior to orientating new children. This resulted in the new places being available from 6 May 2002.

2) A total of 27 additional places became available at Nicholls Early Childhood Centre, increasing the centre's licensed capacity to 90 places.

A further 27 places were also established at Ngunnawal Children's Services, increasing their licensed capacity to 86 places.

3) The delay in the places becoming available was due to two factors; the supplier not being able to supply the buildings within the planned timeframe and subsequent delays by the building contractor in installing the units.

4) Nicholls Early Childhood Centre employs 25 staff, including the Director. Of these staff, seven are qualified, holding a Diploma in Community Services (Children's Services) as a minimum, six are enrolled in a traineeship in children's services, two are employed as cooks and the remaining ten staff are unqualified. The staffing at Nicholls complies with the ACT Centre Based Children's Services Conditions for Approvals in Principle and Licences. These conditions set the minimum requirements for the operations of licensed centre based children's services.

5) All of the places at Nicholls Early Childhood Centre have been filled. The places at Ngunnawal Children's Services have also been filled.

Official Visitor
(Question No 215)

Mr Cornwell asked the Minister for Education, Youth and Family Services, upon notice:

In relation to the Official Visitor position advertised on 2 March 2002:

1) How many applications were received for the position.
2) How many of the applications in (1) were interviewed.
3) What is the process for selection of the Official Visitor.
4) Has a decision been made upon the appointment.
5) When will the successful applicant be announced.

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

1) There were 11 applicants for this position.
2) Five applicants were short-listed and subsequently interviewed.
3) The selection process for this position involved a selection committee comprised of the Director of Family Services, the Manager of Youth Justice and the Community Advocate. Applicants were assessed in relation to their: background and relevant experience, written application and referee comments. At interview their demonstrated capacity to relate to young people, understanding of the role and insight into the relevant issues, where taken into consideration.
4) I have endorsed the recommendations of the Selection Committee.
5) The final decision and the announcement of the successful applicant will follow the usual Legislative Assembly processes.

Canberra Institute of Technology
(Question No 220)

Mr Humphries asked the Treasurer, upon notice, on 25 June 2002:

The Consolidated Financial Management Report for the period to 31 March 2002 notes that non-government user charges in 2001-02 were higher than budgeted for primarily because of the Canberra Institute of Technology's commercial activities:

(1) What were the commercial activities that led to this result?

(2) Are these activities likely to continue?

(3) Will these activities lead to new enterprises being initiated in the ACT?

(4) If so, what are these likely to be and what are the possible costs to the Government?

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

(1) The commercial activities that mainly led to this result were:

- increased international student numbers (+$0.8m);
- increased sales from the restaurants and cafes administered by the Faculty of Tourism and Hotel Management (+$0.36m):
- increased revenue from sales of products produced from class activities (+$0.1 5m):
- unanticipated revenue from copyright sales relating to publications sold in previous years (+0.13m); and
- minor increases in revenue from various other activities including property and equipment leases, and printing services (+$0.17m).

The other major component of User Charges - Non ACT Government is increased enrolments of local students in courses offered by the Institute (+$0.65m).

(2) The commercial activities are likely to continue as reflected in the Institute's 2002-03 Budget and forward estimates. However, these activities will be carefully monitored by the Institute to ensure they continue to have a positive net financial impact.

(3) No new enterprises will result from these activities.

(4) Not applicable.

Crime prevention funds (Question No 221)

Ms Tucker asked the Minister for Police, Emergency Services and Corrections, upon notice, on 25 June 2002:

In relation to the expenditure of crime prevention funds:

(1) In regard to the year 2001-2002:

(a) How much, and what proportion of crime prevention funds available to the Australian Federal Police (AFP) in the ACT were not expended.
(b) What was the basis for the failure to fully expend the available funds.
(c) How have these unexpended funds been disposed of.

(2) In regard to the year 2002-2003:

(a) What is the total crime prevention allocation.
(b) What projects are expected to be funded at this stage.
(c) What evidence of the effectiveness of these programs can be provided.
(d) What scope is offered for collaborative projects with community based organisations.

(3) In regard to 'Kenny Koala':

(a) What was the total cost of running the project over the last three years.
(b) What is the expected cost for Kenny Koala in 2002-2003.
(c) What research and evaluation have been conducted on the impact and effectiveness of Kenny Koala activities.
(d) How does the Kenny Koala program sit in the AFP's annual Crime Prevention Strategy.

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

1 (a) The estimated end of year result is an under expenditure of $828,494, representing 55% of the total budget allocation. A number of invoices remain outstanding and are yet to be incorporated in these figures as part of the ongoing end of financial year processing.

(b) ACT Policing experienced significant staff shortages during the reporting period due to disruptions to the recruitment program in 2001-2002 caused by delays in negotiation of the Purchase Agreement for Police Services. The Crime Prevention portfolio operated at more than 25% below its usual strength for much of this period as personnel were of necessity deployed to frontline policing. This shortage of personnel is responsible for the expenditure short fall.

(c) All unexpended funds were returned to Treasury.

2 (a) The crime prevention budget is $1.075m in 2002/03.

(b) The programs to be funded in the current year and the agencies which are responsible for delivering each project are:

Crime: *What Can I Do* (ACT Policing) – printed material on a range of crime prevention strategies directed at women's safety, household and motor vehicle protection etc.
Crime Prevention Roadshows (ACT Policing) – crime prevention events such as display stand at show.
Answers Where You Live (ACT Policing) – program involving conspicuous police attendance and crime prevention displays in neighbourhood shopping centres.
Crime Research (DJACS) – professionally conducted research by Australian Institute of Criminology – finalising research into stolen goods market in the ACT and commencing research into recidivist Operation Anchorage offenders.
Constable Kenny Koala: A Kid's Best Friend (ACT Policing)
Children At Risk (ACT Policing) – programs conducted under PCYC including Police Scouts and Reclinc.
Aboriginal & Torres Strait Islander Liaison (ACT Policing)
Bushfire Arson Reduction Program (DJACS) – to include TV media campaign, early teens in-school education modules, and research into profiling offenders and best practice treatment models.
Hand Brake Turn Project (DJACS) – high risk motor vehicle theft offenders will participate in CIT run, which will then be donated to a victim of crime or charity.
Volunteers in Policing (ACT Policing).

(c) Given the fact that crime prevention programs seek to achieve changes in perceptions and attitudes of members of the community in the medium to long term, evaluation cannot be effectively undertaken in the developmental phases of program implementation. To this end the crime prevention portfolio in ACT Policing has recently commenced development of a range of data collection mechanisms and over the next twelve months will concentrate on collecting and collating data on its activities to enable reliable assessment of its operational achievements and its impact on crime trends and perceptions of public safety in the longer term.

The DJACS managed programs relating to research and bushfire arson contain elements that will provide information on best practice for future programs. The DJACS managed motor vehicle theft project is based on a best practice model informed by a national evaluation of similar programs.

(d) All programs have the potential for engaging community-based organisations. The Indigenous Community Liaison Officers must work closely with and effectively engage the Aboriginal and Torres Strait Islander communities in the delivery of the portfolio's goods and services. In Road Shows, *What Can I Do* and *Answers Where You Live*, the ACT Policing portfolio can link with organisations such as Neighbourhood Watch, Safety House, RecLink, the Scouting movement the Chamber of Commerce, multicultural communities and Council On The Aging. The portfolio will measure these interactions during the year.

The ACT pilot motor vehicle theft reduction project involves close and extensive community sector involvement with youth worker services, CIT, the insurance sector, motor trades and training providers.

3 (a) The total cost of the Kenny Koala project including salaries, enabling services/overheads and crime prevention initiatives funding for the past 3 years was $574,719 with the crime prevention initiative allocation being $157,727.

(b) The expected cost for Kenny Koala during 2002-2003 is $243,508, of which $150,000 will be funded via the crime prevention budget.

(c) Crime prevention literature identifies early intervention programs as being critical to the effective delivery of important crime prevention and safety messages to young people. Children in the age group 3-11 are among the most productive target group for prevention programs. The Constable Kenny Koala program provides an effective mechanism for the delivery of important messages in a non-threatening environment and is designed to remove traditional barriers which may prevent children from reporting incidents to police.

Independent research (through National Promotions) was conducted on the campaign, commencing in May 2000. It was aimed at the primary and secondary markets identified by the campaign, namely:

children aged 3-11;
parents and carers;
primary schools (principals and teachers); and
AFP (portfolio, management and Public Relations division staff).

Formal research was conducted in the context of the portfolio’s short and long term objectives for the delivery of effective safety messages to young children and work will commence on further evaluation of the effectiveness of the program once it has been fully incorporated within school curricula and has been operating for a sustained period of time.

(d) The primary objective of the Constable Kenny Koala program is to provide an accessible role model for children that can be used in professional cooperation with schools to deliver important crime prevention and safety messages in a safe and familiar environment.

The Constable Kenny Koala program is intended to create a learning environment conducive to participation and direct involvement of children in the 3-11 year age group. This age group has been identified as the most suitable for early intervention.

Hill Corner, Yarralumla (Question No 222)

Ms Tucker asked the Minister for Planning, upon notice:

In relation to Blocks 2 and 3, Section 62, Hill Corner, Yarralumla:

(1) When was the current building on Block 2 (a) constructed, (b) for what purpose, and (c) who owned the building.

(2) Who is the (a) current leaseholder of Block 2, (b) when did they take over the lease, (c) what is the lease purpose and (d) what money was paid for the lease.

(3) What was the (a) original proposed use of Block 3 and (b) why has it remained vacant up until now.

(4) Given that Block 3 is landscaped as a park with an irrigation system and park bench, did previous governments intend that the area be a public park.

(5) Has any agreement been made, either in principle or in fact, to transfer the lease of Block 3 from the Government and, if so, (a) when was the agreement made, (b) who is the new leaseholder, (c) what is the sale price of the land and, (d) what is proposed to be built on the Block.

(6) If the answer to 5 is yes, what process was followed to determine the use of Block 3, including (a) consideration of other land uses or keeping the Block as public park and, (b) the identification of other organisations who may be interested in the Block.

(7) If the answer to 5 is no, what consideration is the Government giving to the selling or developing of Block 3.

(8) What consultation has occurred with neighbouring residents about the redevelopment of Blocks 2 and 3.

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

(1) (a) The exact construction date of building is not known but it is understood to have been built some time early in the 1950s. The building was a Commonwealth owned building transferred to the Territory at the time self-government was implemented.

(b) The building was used as a pre-school.

(c) The building was owned by the agency responsible for pre-school services.

(2) (a) The current lessee is St Nicholas School Ltd.

(b) The lease granted to St Nicholas School Ltd commenced on 3 June 1998.

(c) The lease purpose clause for Block 2 allows for a pre-school and childcare centre for a maximum of eighteen children.

(d) A premium of $85,000, payable as follows, was charged for the lease:
$8,500 on acceptance of the lease; and
the balance on quarterly instalments over five years.

(3) (a) It appears there was no proposed use for Block 3 at the time the pre-school was originally constructed.

(b) Block 3 is quite small and probably not large enough to be developed for a separate community facility. It is however suitable for the type of extension proposed by St Nicholas School.

(4) There are no documents on files which provides information to respond to this question. The area not used for pre-school purposes has been maintained over the years.

(5) (a&b) The previous Government gave "in principle" agreement to the sale of Block 3 to St Nicholas School Ltd in July 2001. No offer of lease has been made.

(c) The Australian Valuation Office has advised that the market value of Block 3 for the proposed use is $40,000.

(d) St Nicholas School has applied for the direct sale of the block to extend their pre-school facilities and improve access and parking arrangements.

(6) (a) Confirmation that the proposed use of the land was permitted under the Territory was sought from Planning and Land Management.

(b) Due to its size it would be unsuitable for most community uses. No other community organisations have expressed an interest in the land.

(7) N/A

(8) A letterbox drop occurred in late May seeking comments from residents in the locality. Since that time two formal meetings and several informal discussions have occurred with local residents, the Yarralumla Residents Association (the YRA) and St Nicholas School. The Land Group within my Department is continuing to consult with residents, the YRA and St Nicholas School to progress the application.

Use of 1080 poison bait
(Question No 223)

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

In relation to 1080 poison bait:

(1) Does the ACT Government have a current baiting program, and if so, what have been the locations and extent of baiting over the 2001-02 financial year.

(2) Does the ACT Government authorise baiting activities by private leaseholders, and if so, what authorisations have been given out over the 2001-02 financial year.

(3) What baiting activities are expected to occur over the 2002-03 financial year.

(4) What guidelines are followed for the use of 1080 baits.

(5) What notification is given to leaseholders and the public about baiting activities..

(6) What monitoring is done of the impact of baiting on non-target species.

(7) What alternatives have been considered to the use of 1080 poison baiting.

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

(1) Environment ACT is responsible for managing the use of compound 1080 (Sodium mono fluoroacetate) poison baits in the ACT. Permit conditions require that public notification in the newspaper must be provided where any baits are located within 1 kilometre from the urban interface: Environment ACT has never placed baits within this distance.

1080 baits have been used to assist in the control of wild dogs and foxes which are responsible for attacking sheep on rural leases. In addition 1080 poisoning has been used to assist in controlling foxes within areas of Namadgi National Park and Tidbinbilla Nature reserve as part of a post graduate study of kangaroo grazing impact in the ACT. Canid species such as dogs and foxes are extremely susceptible to the effects of 1080, meaning that only relatively small amounts of toxin are required. Conversely many native animals are relatively resistant to the effects of 1080 due to the compound being a naturally occurring toxin in many native Australian plants, including Acacias, and Oxylobium species.

An ongoing 1080 poison baiting program is currently being undertaken along a total of 38 kilometres on management trails in the Tidbinbilla Range, Pierces Creek Pine Forest and a rural lease bordering Namadgi National Park. This program is part of an integrated wild dog control program to reduce the number of sheep killed on adjoining rural leases. Baits are located at 1 kilometre distances to avoid animals consuming more than 1 bait.

A total of 10.5 grams of 1080 active ingredient has been used in the ACT in the past year. Fox baits contain .003 mg of 1080 toxin. All baits used in the ACT are commercially prepared and no 1080 powders are stored for use by Environment ACT.

(2) The use of 1080 poison baits is only permissible when authorised by an Authorised Control Officer from within Environment ACT. This officer establishes the need for the use of baits and provides them to lessees who must sign an indemnity form to agree to the conditions of use. Any baits not used during the program must return them to the Authorised Control Officer. There were 28 authorised fox control programs conducted on rural leases in 2001/02.

(3) The number of 1080 baiting programs is expected to remain similar to the previous year: approximately 10.5 gram of active ingredient.

(4&5) 1080 is used under permit issued by the National Registration Authority and must follow strict guidelines for use. The permit conditions specify requirements for lessees to advise their neighbours when baiting is to occur, distances from habitation and notification on all property fences. As previously mentioned all baits must be issued by an Authorised Control Officer within Environment ACT.

(6) The following monitoring is undertaken to assist in identifying non target impacts

All poison baits placed below a minimum of 10cm of soil depth. Canids will dig for the baits, most native animals will not.

Sand pads are routinely placed around permanent bait stations so that animals visiting the baits can be determined by their footprints.

Spotlight counts of animals are regularly taken in reserve areas where baiting occurs.

Environment ACT is currently investigating the use of sensor cameras at bait stations. These cameras will further assist to determine whether non target of animals are visiting baits stations, and consuming baits.

(7) 1080 baiting is generally used as part of an integrated control program which may incorporate other methods of control such as trapping or fencing. Other toxins including cyanide, and strychnine which have been proposed for use in other parts of Australia have not been considered for use in the ACT due to health and safety or animal welfare concerns over their use.

Other toxins have been used in preference to 1080 for non canid species control in the ACT. For example the poison Pindone is generally used in preference to 1080 in ACT rabbit control programs, and Warfarin is used in pig baiting programs. Whilst 1080 is widely used in rabbit and pig control programs elsewhere these alternatives have been selected for use in the ACT based on their toxicity to the target pest or to improve operator and public safety.

Pensioners and social security recipients (Question No 224)

Mr Cornwell asked the Chief Minister, upon notice, on 26 June 2002:

(1) Is a review of concessions allowed to pensioners, social security recipients etc for ACT Government taxes and charges currently being undertaken.

(2) If so, what are the (a) terms of reference of the review (b) who is undertaking the review and (c) what areas of concessions does it cover.

(3) When will the review be completed and will copies be available to interested parties, including myself.

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

(1) Yes. A review of ACT Government concessions is currently being undertaken.

(2a) The terms of reference for the concessions review are:
consider concessions currently provided to individuals, households and community organisations;
consult widely with the community, particularly those groups identified by the Poverty Task Group as having difficulty in accessing resources; and
report to Government on the effectiveness and adequacy of current concessions and rebates in assisting people affected by poverty to participate in the community.

(2b) The Chief Minister's Department is coordinating the review in collaboration with other Government agencies. A Joint Community Government Reference Group has been established to monitor the review process and provide strategic advice on possible options for the future. The Reference Group comprises representatives from peak community organisations including the Council on the Ageing (ACT), the ACT Council of Social Service, the Youth Coalition of the ACT, Volunteering ACT, the Aboriginal and Torres Strait Islander Community Consultative Council, the Migrant Resource Centre, the Ministerial Advisory Council on Women's Affairs, ACT Shelter, the Disabled Peoples Initiative, Health Care Consumers, and CARE Financial Counselling Services.

(2c) The concessions review covers concessional arrangements available for individuals and households, including payments made direct to individuals or households by the ACT Government or its agencies, or goods and services provided at a subsidised cost because of the circumstances of the individual or the household. It also includes concessions provided to community organisations and religious groups.

(3) It is anticipated that a report to Government will be completed by the end of 2002, which is consistent with the timeframe set by the previous Government in its response to the final report of the ACT Poverty Task Group, *"Sharing the Benefits"*. This timeframe however, will be subject to ensuring that the community has a full opportunity to comment on an Options Paper, which will be released for community consideration in August 2002.

The final report to Government will be made available to the public.

Project Magellan
(Question No 225)

Mr Cornwell asked the Attorney-General, upon notice, on 26 June 2002:

(1) Are you aware of Project Magellan which has been trialed in Victoria.

(2) Has the ACT Government assessed Project Magellan's suitability for use in the ACT to speed up the legal process in such cases.

(3) Will co-operation be sought between ACT agencies and will funding be sought from the Federal Government to develop a local Magellan initiative and if not, why not.

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

(1) 1 am aware of Project Magellan, trialed from 1998 to 2000 in the Melbourne and Dandenong Registries of the Family Court of Australia. The trial was a new approach to the handling of cases with new child abuse allegations made to the Family Court.

(2) An initial assessment has been conducted by the Government as to the desirability of integrating the investigation of child abuse allegations with a program similar to Project Magellan in the Canberra Registry of the Family Court. The Victorian trial found significant reductions in the processing of matters through the Court in addressing such allegations and making orders in the best interests of the child. The Government is interested in exploring the possible implementation of a local Magellan initiative.

(3) It is not possible at this stage to indicate what level of funding would be needed and whether to seek Federal funding for a local Magellan initiative. Once an assessment of all financial implications is completed, approaches will be made to the relevant child services, Legal Aid, Family Court and other providers for collaboration on an initiative. The Government remains committed to finding new ways to investigate and ameliorate the effects of child abuse in family breakdowns.

V8 supercar race
(Question No 226)

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

In relation to the V8 car race roadworks.

(1) Why were the roadworks undertaken in the central Canberra area during the operation of the V8 car race, given that the race already would cause road closures and traffic redeployment.

(2) What liaison occurs between the various sections of government concerning road maintenance and major road disruption, such as the V8 race.

(3) If no liaison occurs, why not.

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

(1) Roads ACT advise that asphalt patching was carried out at Parkes Way from 3 to 6 June 2002. Unfortunately, this work added to the traffic disruptions caused by the V8 car race.

The Work was issued to the contractor on 21 May 2002 with a required completion by 25 June 2002. This provided a reasonable time frame for the contractor to carry out the work. The contractor programmed the work to satisfy their business arrangements and the temporary traffic plans that confined the work to off peak hours between 9:00 am and 4:00 pm.

(2) Roads ACT, in liaison with the National Capital Authority, approved the temporary traffic plans for the V8 car race and the asphalt patching work on Parkes Way. Liaison also occurred between the Asset Maintenance area of roads ACT and the area responsible for traffic management. Roads ACT did not anticipate the traffic delays that occurred during the off peak period. However, like all road works the traffic situation was monitored and the contractor was directed off the road on the morning of 6 June 2002.

(3) It is clear from the answer to part (2) of the question that liaison does occur between relevant agencies. In future however, road works around major events will be prevented if the cost penalties for doing so are reasonably acceptable.

H Division shires
(Question No 227)

Mr Cornwell asked the Chief Minister, upon notice, on 26 June 2002:

In relation to the H Division Shires Meetings held quarterly in Queanbeyan, NSW:

(1) Who is our Assembly representative for the ACT Government.
(2) How many meetings have been held since your Government was formed.
(3) How many of the meetings at (2) were attended by our Assembly representative.

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

(1) The ACT Government is not a member nor represented on H Division of the Australian Local Government Shires Association.
This is a NSW Local Government Association and Member Councils include: Bega Valley, Bombala, Boorowa, Cooma-Monaro, Crookwell, Eurobodalla, Gunning, Harden, Mulwaree, Snowy River, Tallanganda, Yarrowlumla, Yass and Young Shire Councils. Goulburn and Queanbeyan City Councils are Associate Members.

(2) H Division meets every three months in Queanbeyan. Since the current ACT Government was formed H Division have met 3 times:
• 16 November 2001;
• 22 February 2002; and
• 17 May 2002.

(3) The ACT Assembly is not represented on H Division.

Elder abuse
(Question No 228)

Mr Cornwell asked the Chief Minister, upon notice, on 26 June 2002:

In relation to the Assembly's Health and Community Care Committee 1998-2001 Inquiry into elder abuse:

(1) As at 25 June 2002, what "key findings" have been implemented by the Government.

(2) How did the Government establish these were "key findings" given the report was never returned to the Assembly for debate or response.

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

I recently wrote to the Speaker, Mr Wayne Berry MLA, in my capacity as the Acting Chief Minister, and confirmed that the Government is currently developing a response to the former Assembly Committee's Inquiry Report No. 11, and that it will report to the Assembly by the last sitting day in September 2002. This approach is consistent with the Assembly's resolution in response to Ms Dundas's Notice of Motion of 5 June 2002.

As the Chief Minister stated in response to Ms Dundas's Notice of Motion, while the Labor Government supports in principle the recommendations of Report No. 11, it believes that a number of recommendations require further consideration and consultation.

A whole-of-government response is currently being developed to the Committee's Report, which will involve consultation with the other States, ACT Government agencies, and community organisations. The consultation process will also ensure that advice is sought from the newly established Ministerial Advisory Council on Ageing, and that the work being undertaken in relation to violence by the Office for Women and the Office for Aboriginal and Torres Strait Islander Affairs, is integrated with the final response.

It should be noted that the former Government did not provide a response to the Report by the Standing Committee on Health and Community Care during its time in office.

Canberra Hospital
(Question No 230)

Mr Cornwell asked the Minister for Health, upon notice, on 26 June 2002:

In relation to New South Wales patients using the Canberra Hospital:

(1) How many NSW patients used the hospital in (a) 1999/2000, (b) 2000/2001.
(2) How many (a) bed days did this represent and (b) what percentage of bed days did this represent in each of the above financial years.
(3) What effect do NSW patients have on (a) elective (b) non elective hospital waiting lists for ACT residents.
(4) What area surrounding NSW is served by the Canberra Hospital.
(5) What area of NSW is served by the Southcare helicopter and are there other hospitals within this area which could take Southcare patients.
(6) What percentage of Southcare patients in each of the two years at (1) above from the area served were (a) flown to The Canberra Hospital, (b) flown from another hospital.
(7) How much funding did the NSW Government contribute to The Canberra Hospital in (a) 1999/2000 and, (b) 2000/2001.
(8) Was the funding provided at (7) on a per capita or per bed basis, or did it take into account the severity of the NSW patient's condition.
(9) If no account is taken of the NSW patient's condition, who pays the more sophisticated surgical and medical procedures, additional nursing services etc that may be required.
(10) What (a) funding (b) the funding as a percentage of the overall cost does, the NSW Government pay to Southcare in each of the years at (1) above.
(11) How many NSW patients currently occupy a Canberra Hospital bed because they cannot obtain nursing home or convalescent facilities.

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

1. During 1999/2000 there were 14,947 separations (episodes of care in hospital) in ACT public hospitals relating to 7,892 NSW patients. Separations relating to NSW patients represent 23.5% of all separations for this same year.

In 2000/2001 there were 14,622 separations in ACT public hospitals relating to 7,709 NSW patients. These separations represent 22.7% of all separations for 2000/2001.

2. The number of bed days involving NSW patients during 1999/2000 and 2000/2001 in ACT public hospitals was 54,977 and 55,551 days respectively. These bed days represent 25.1% of all bed days at TCH during 1999/00 and 24.5% in 2000/01.

3. Over the last 6 months NSW patients represented, on average, 28% of all patients on ACT public hospital waiting lists. Patients requiring surgery - elective and non elective - are treated the same, regardless of place of residence. This is in accordance with the Australian Healthcare Agreement that states eligible persons should have equitable access to public hospital services, regardless of their geographical location

4. The Canberra Hospital, being the primary referral hospital and major trauma centre in the area, is the main service provider in the South-East region of NSW. This area stretches from Young, Goulburn, across to Batemans Bay and south to the Victorian border.

5. The Snowy Hydro SouthCare Helicopter Service provides aero-medical retrieval and rescue services to the Southern region of NSW.

A medical retrieval from one of the NSW regional hospitals is activated when the physician at the regional hospital deems that the patient requires clinical care/treatment above and beyond what can be provided at their institution.

Whilst there are a number of hospitals located in the region served by SouthCare, a large amount of these regional hospitals do not have ready access to specialist medical staff/equipment required to ensure that optimum clinical care is provided to the patient. It should also be noted that The Canberra Hospital receives the majority of these patients due to its accreditation as the regional trauma centre. On some occasions patients are transported to specialist hospitals mostly in Sydney according to the patient's condition.

The destination hospital for the patient being retrieved may vary depending on the clinical needs and treatment requirement of the patient. The on-duty Medical Retrieval Consultant takes this decision at the time of retrieval.

6. During 1999/00 the Service flew 158 medical retrievals. Of these, 93.2% of patients were flown to The Canberra Hospital and 6.8% were flown to hospitals other than The Canberra Hospital.

During 2000/01 the Service flew 192 medical retrievals. Of these, 88.06% of the patients were flown to The Canberra Hospital and 11.94% were flown to hospitals other than The Canberra Hospital.

7. In 1999/2000 and 2000/2001 the ACT received $48,503,095 and approximately $50,000,000 respectively from NSW Health for services provided to NSW residents in ACT public hospitals. This money is paid directly to the ACT Health Department as remuneration for both private and public patients irrespective of which public hospital they are treated in. The Canberra Hospital is in turn funded by the ACT Health Department for service provision to interstate patients.

8. The funding provided by NSW Health to ACT Health is calculated on the basis of costweighted separations. This means the payment takes into account the number of separations (episodes of care in hospital), the length that the patient stays, as well as the costs involved in treating the patient's condition.

9. See response to question 8.

10. Yearly operating costs for the Service amount to $2.6m. The funding of the Service by Governments is split 90% to NSW and 10% to ACT in accordance with the funding model agreement between the ACT and NSW Governments.

11. It is not possible to ascertain whether or not a patient is waiting for a place in a convalescent facility, as there is no data collected on this item. With regard to patients from NSW waiting to obtain a nursing home bed, at present there are no patients who fit this criterion.

Freedom of information requests (Question No 231 redirected to Attorney-General)

Mrs Dunne asked the Chief Minister, upon notice, on 27 June 2002:

(1) In 2001/2002 for Freedom of Information (FOI) requests, what is the (a) total number, and, (b) the month by month breakdown and, (c) the breakdown among agencies month by month, received across Government.

(2) In 2000/2001, what was the total number of requests.

(3) Are all agencies complying with their FOI obligations

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

(1) (a) The total number of requests received across government in 2001/2002 was 320. In addition a total of 19 internal review requests and one section 48 application for amendment of records were lodged.

(b) The month by month breakdown of requests is outlined in the attached table

(c) The attached table also outlines the breakdown among agencies month by month.

(2) The total number of requests received during 2000/2001 as reported in the *Justice and Community Safety 2000-2001 Annual Report* was 247. 16 requests for internal review and one application for amendment to personal records were also received during this period.

(3) Agencies are complying with their FOI obligations in meeting requests. Auditor-General's Report Number 12 of 2001 identified certain deficiencies in responding to requests and made several recommendations in relation to improving the FOI process within government. Each recommendation is currently being considered and a Government response is being prepared. It should be noted that there has been a significant change in approach since the period investigated by the Auditor-General. The government is however committed to reforming the FOI process and is implementing a range of reforms and improved administrative procedures to ensure all agencies comply with their obligations in meeting requests.

Mount Painter
(Question No 232)

Mr Stefaniak asked the Deputy Chief Minister, upon notice, on 27 June 2002:

In relation to Mt Painter:

(1) When were the reservoirs on Mt Painter constructed.

(2) What is the purpose of the recently erected fence around the reservoirs.

(3) Who erected the fence.

(4) What was the cost of the fence.

(5) What was the cost of the regrading of the dirt road and other minor works around Mt Painter.

(6) How many trees were chopped down and why.

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

(1) The reservoirs were constructed in 1967.

(2) The fence is to improve site security at the reservoirs. ACTEW has recently been upgrading security at all reservoir sites in Canberra in light of events of September 11, 2001. Additionally Mt Painter Reservoir site has been the target of a number of severe vandalism attacks in recent years with vandals using tools to damage electronic control equipment.

(3) The fence was erected by actual under contract to ACTEW Corporation.

(4) The cost of fencing at this site was in the order of $30,000.

(5) ACTEW has not undertaken any road works in the area of the reservoir in recent times. It is understood from discussions with Environment ACT that ACT Parks and Conservation undertook recent road works as part of fire protection works in this area.

(6) ACTEW leases the land on which the reservoirs are located. The fence has been constructed to minimise tree removal. The total number of trees removed was two (2) live and one (1) dead tree. Approval was sought from Environment ACT for tree removal and was ranted on 4 June 2002. These trees were removed because they were encroaching on the reservoirs, in fact, one was overhanging and resting on the reservoir roof. It was also anticipated that the roots of these large trees could interfere with the reservoir foundations.

Courts and tribunals
(Question No 233)

Mr Stefaniak asked the Acting Attorney-General, upon notice, on 27 June 2002:

(1) What is the average and longest delay in (a) obtaining a hearing and (b) from the time of the hearing to the delivery of a decision in the:
(i) Magistrates Court;
(ii) Mental Health Tribunal;
(iii) Residential Tenancy matters;
(iv) Discrimination Tribunal;
(v) Guardianship and Management of Property Tribunal.

(2) How many part heard matters are there in each of these jurisdictions.

(3) What is the age of the oldest part heard matter.

(4) How many statements of reason have been requested under section 108 of the Mental Health legislation.

(5) What is the average time taken for delivery of those reasons.

(6) What personal staff do Magistrates have to assist them.

(7) What are the duties of these staff.

(8) How many of these staff members are there.

(9) What is the cost of providing these services to Magistrates.

(10) What personal staff do judges have to assist them.

(11) What are the duties of those staff.

(12) How many of these staff are there.

(13) What is the cost of providing these services to judges.

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

(1) What is the average and longest delay in (a) obtaining a hearing and (b) from the time of the hearing to the delivery of a decision in the following jurisdictions:

(i) Magistrates Court

In the Magistrates Court, in both civil and criminal matters, the approximate average time in obtaining a hearing date is currently 4 months. The longest delay in obtaining a hearing is currently 7 months. There is also some time left available to deal with short matters in No November of this year. The reason for the present delay is that the legal year ends on 13 December 2002 -and begins again on 3 February 2003 and the Court sits in a reduced capacity during that period.

Additionally parties may also request a longer time before a matter is set down for a hearing in order to obtain additional evidence, information and/or witnesses.

In the Coroner's Court the average time taken to finalise a matter is currently 6 months from the date of death, with the police taking up to 4 months from the date of death to file a brief of evidence. Complexity of matters in the Coroner's Court mean that, on occasion they may take a longer time to complete. For example a number of inquests being conducted by Coroner Somes, in relation to a number of people suffering from a disability that have died in care, have not been finalised. Six other matters are the subject of ongoing murder investigations, the oldest of which occurred in October 1998.

In relation to reserved decisions, generally most decisions are handed down by a Magistrate instantaneously at the hearing. However in dealing with the small proportion of decisions that are reserved, the average length from the time of a hearing to the delivery of a decision by a Magistrate is 3 months. After that time, outstanding decisions are reported to and are monitored by, the Chief Magistrate. There are occasions where matters have taken up to or over 12 months. However, those cases are not common and are mostly of a greater complexity, which contributes to the longer time taken to deliver the decision. Whilst no statistics are currently kept on the number of reserved decisions delivered or outstanding, the Chief Magistrate is currently carrying out an audit of outstanding matters and has undertaken to provide statistics.

(ii) Mental Health Tribunal

The *Mental Health (Treatment and Care) Act 1994* provides stringent time limits for the processing and hearing of all applications lodged where the individual has been detained. These time limits require that all hospital applications are determined within 10 days of a person being detained involuntarily. Applications from the community i.e. family and friends, can take up to 10 weeks to hear depending on the availability of a Psychiatric Assessment Report or other required information

(iii) Residential Tenancy Tribunal Matters

The average time taken from application to determination is 21 days. There has been one matter, which took almost 12 months. This was due to the member seeking clarification on several occasions of issues relevant to the dispute. Members may adjourn matters to allow parties to provide further particulars. Other matters can be adjourned for decision.

(iv) Discrimination Tribunal

Matters in the Discrimination Tribunal are almost always complex, with many issues involved and Parties are often unrepresented. The average time taken to obtain a hearing for these matters is approximately 3 months. There are a number of outstanding matters and it is anticipated that they will be finalised in the next few months. As a general rule the Tribunal aims to finalise matters within 12 months.

(v) Guardianship Tribunal

Standard applications are determined within 2 months. Any delays can be attributed to time taken in obtaining medical information on the proposed represented person.

The COMPACT works very well, and is currently up to date with all its reviews. The average turn around time from lodgment to determination is approximately 9 weeks.

(2) How many part heard matters are there in each of these jurisdictions?

(i) Magistrates Court

As at 21 August 2002 there were 324 part heard matters in the criminal jurisdiction of the Magistrates Court, 12 part heard civil matters and 17 part heard Coroners Court matters. The bulk of the Magistrates Court matters relating to criminal offences have been adjourned part heard for sentencing purposes. A number of other matters are being managed under the Court Alcohol and Drug Assessment Service (CADAS).

(ii) Mental Health

The Mental Health Tribunal rarely becomes part heard. At the moment 1 matter has been adjourned pending receipt of a medical report.

(iii) Residential Tenancy Tribunal

There are currently 10 part heard matters.

(iv) Discrimination Tribunal

There are currently 18 part heard matters and of those, 11 are related to the same 2 matters which will be dealt with as one hearing.

(v) Guardianship and Management of Property Tribunal

There are currently no part heard matters.

(3) What is the age of the oldest part heard matter?

(i) Magistrates Court

The Magistrates court computer system used by each of the jurisdiction is not able to produce the information requested. The calculations for the number of part heard matters involved a manual counting from electronic magisterial diary printouts recorded on a charge based rather than an offender based format. A review of the printouts identified the oldest part heard matter as one of a series of unresolved cases relating to David Harrold Eastman that go back as far as 1990.
The calculation of the age of the oldest part heard matter involves a review of each individual file to determine the part heard component.
Usually, part heard matters are adjourned to the next available date for that particular magistrate.

(ii) Mental Health

The one outstanding matter is 10 weeks old. It should also be noted that orders can only last for six months and if a party wishes to seek an extension of the order they must apply to the Tribunal prior to the expiration of the six months.

(iii) Guardianship and Management of Property Tribunal

There are no outstanding part heard matters in this jurisdiction at present.

(iv) Residential Tenancy Tribunal

All part heard Residential Tenancy Tribunal matters are less than 3 months old.

(v) Discrimination Tribunal

The oldest matter was commenced in 1998 and is one of the matters referred to above, which has now been combined to be determined with other matters. It already has had 7 days of hearing completed and is listed for a further 2 day hearing.

(4) How many statements of reason have been requested under section 108 of the Mental Health legislation.

1 in 2001 (It was provided within 28 days.)

(5) What is the average time taken for delivery of those reasons?

See answer to question 4 above.

(6) What personal staff do Magistrates have to assist them?

Each Magistrate has one associate to provide assistance in Court matters and every day administrative matters for their magistrate. There is a legal research officer available to the Court as a whole, but generally works under the direction of the Chief Magistrate. The Chief Magistrate has a personal assistant who also assists other Magistrates and acts as a general receptionist for the Magistrates Chambers.

(7) What are the duties of these staff?

The duties of personal staff include acting as a confidential clerk to the Magistrate; assisting the Magistrate with research, preparation of hearing matters and reserved decisions, providing administrative assistance to the Magistrate; liaising with key stakeholders as required; performing duties of bench officer in Court, which includes a working knowledge of the monitor's duties; receiving and maintaining a register of exhibits and performing escort duties while Court is in session; and other duties as required.

The legal research officer is required to undertake research and investigation duties for Chief Magistrate or Magistrates and act generally as a confidential clerk to the Chief Magistrate; assist the Chief Magistrate in legal research and points of law; take notes of the Magistrates Court legal addresses as required; act as secretary to the Magistrates Committee; act as secretary to the Chief Magistrates Committee as required; prepare minor correspondence and check draft of judgments and other duties as directed.

The personal assistant is required to provide secretarial and administrative support to the Chief Magistrate and other Magistrates when necessary; undertake administrative support; telephone enquires; maintain diary of appointments and organise meetings and appointments; maintain custody of and index personal and confidential papers including search warrants and other sensitive court related

matters; maintain and update legislation as require; maintain diary for Special Magistrates sittings and arrange payment of sittings; arrange travel for Chief Magistrate, Tribunal members and other Magistrates as required.

(8) How many of these staff members are there?

There are 11 staff members who assist Magistrates, Special Magistrates and Tribunal members.

(9) What is the cost of providing these services to Magistrates?

The salary costs of staff who provide services to Magistrates for the 2001/2002 financial year was $594,386.50.

(10) What personal staff do judges have to assist them?

Each of the four Judges has a personal assistant and an associate. The Chief Justice has a tipstaff/research assistant in addition to the above.

(11) What are the duties of those staff?

The personal assistant provides administrative, clerical and secretarial support to a judge and acts as an associate in the absence of an associate. The personal assistant is classified at the ASO 4-5 level.

An associate provides clerical and research assistance to the judge and attends court with him for the purpose of calling on cases, empanelling juries and recording details of proceeding. The associate also analyses transcripts of evidence and prepares summaries of evidence. An associate is classified at ASO 4 Level.

The tipstaff/research assistant provides personal, clerical and research assistance to the Chief Justice. He carries out research on general legal topics, case law and legislation and analyses transcripts of evidence. The Tipstaff/ Research assistant is classified at the ASO 2 level.

(12) How many of these staff are there.

There are 9 personal staff who provide services and assistance to Judges.

(13) What is the cost of providing these services to judges.

The salary costs of staff who provide services to Judges for the 2001/2002 financial year was $515,521.76.

Courts and tribunals (Question No 234)

Mr Stefaniak asked the Attorney-General, upon notice, on 27 June 2002:

How many cases were bought before the following in the years 2000, 2001 and to 30 June 2002 in the:

(i) Magistrates Court;
(ii) Mental Heath Tribunal;
(iii) Residential Tenancy matters;
(iv) Description Tribunal; and
(v) Guardianship Tribunal.

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

(a) Magistrates Court

Financial Year Ending 30 June	**2000**	**2001**	**2002**
Criminal Matters	13,264	13,090	12,053
Civil Matters	10,596	8,375	8,418
Children's Court	2,414	2,235	2,385
Coroner's Court (deaths only)	304	323	308

(b) Mental Health Tribunal

1046	1199	1180

(c) Residential Tenancy Tribunal

1504	2085	2338

(d) Discrimination Tribunal

6	22	7

(e) Guardianship and Management of Property Tribunal

1072	1084	1462

Latham shops
(Question No 235)

Ms Dundas asked the Minister for Planning, upon notice:

In relation to Latham Shops:

(1) Has Planning and Land Management received any Development Application relating to the now demolished site of the Latham Shops.

(2) Has the Government received any information regarding the redevelopment of this site.

(3) What facilities does the Government expect to be built on this site.

(4) When does the Government expect that Latham will again have a functional shopping centre.

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

(1)–(3) On 10 April 2001 the former Minister, Mr Brendan Smyth MLA, exercised his call-in powers under subsection 229A of the *Land (Planning and Environment) Act 1991* (the Land Act), to approve with conditions the Development Application for redevelopment of the Latham Shops.

The approval included the demolition of the existing building and the construction of 150 square metres of dedicated commercial floor space in the form of a mini-mart/restaurant building and 18 residential and/or commercial units. The approval also included the requirement that four (4) of the 18 units be used for commercial purposes and if, after twelve months, it has been clearly demonstrated that the commercial use of these units is not viable, then the commercial use may revert to residential use.

The lease also provides flexibility through the option of expanded commercial uses in the future and allows the conversion of the proposed residential units to commercial units, pending market demand. To facilitate this, the purpose clause includes uses such as business agency, health facility, offices, post office or shop (not including a take-away food shop).

The Crown lease and the approved development for the block provide sufficient flexibility in building use to respond to the changing economic circumstances and the social needs of the Latham community over time.

(4) The lessee has been offered a new Crown lease over the consolidated block incorporating the original shopping centre and adjoining parcels of unleased Territory land. It is likely that the Crown lease will be registered at the Registrar General's Office during July. Once the lease is registered, the lessee will be able to commence construction work on the site. The lessee expects that the commercial premises should therefore be available for occupation mid to late 2003.

Urban infrastructure
(Question No 236)

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

In relation to the maintenance of urban infrastructure, particularly in Latham:

1. To ensure safety to residents and visitors, how regularly does the Department of Urban Services inspect, across the Territory:
(a) pedestrian footpaths;
(b) road guttering;
(c) cycleways;
(d) street lighting;

2. How recently have the above items been inspected in the suburb of Latham;

3. At previous inspections, has the Department of Urban Services noted any dangerous deterioration in the urban infrastructure of Latham;

4. If yes to part (3), have these problems been rectified; and

5. If no to part (4), when are these scheduled to be completed.

Mr Wood: The answers to the member's questions are as follows:

1. (a) (b) (c) (d): I have received advice from Roads ACT that inspections are either planned or reactive for the maintenance of assets across the Territory. These assets are very extensive and unfortunately resources are limited for inspections and maintenance. Not withstanding this fact, Roads ACT recognises their duty of care to the community to maintain a safe operational road and path network.

Roads ACT has adopted a number of strategies for maintenance inspections to best utilise the available resources. Generally, the extent of inspection is based on the type of asset, its usage and the associated risks if a failure occurs.

Regular planned inspections are carried out for major assets such as territorial roads, bridges and stormwater channels. Planned inspections are also carried out for pedestrian paths around major shopping areas such as Civic, and all street lighting. The frequency of these inspections varies from monthly to biannual depending on the asset. The inspections are carried out by Roads ACT officers, consultants and the contractors actual, Totalcare and Cityscape.

Reactive inspections are carried out for minor assets such as footpaths, kerb and guttering, cycleways and the municipal stormwater system. These inspections are generated by contractors carrying out routine work, random audits by Roads ACT officers or community requests. The majority of these inspections arise from community requests. Roads ACT has established a hot line and actively encourages the community to report asset problems.

2. With respect to the suburb of Latham, I am advised by Roads ACT that in the past two years at least 107 reactive inspections have been carried out for asset maintenance. This includes 19 for paths, 2 for kerb and gutters and 4 for street

lighting. Major assets within Latham have also been inspected under the routine inspection programme.

3. Roads ACT recognises that assets are ageing in Latham, similar to other ACT suburbs. If an inspection identifies a safety problem then temporary work is carried out as soon as possible to ensure the asset is safe.

4. The majority of repairs have been completed.

5. Some permanent repairs to footpaths are scheduled for completion later this year.

Ministerial councils (Question No 237)

Mrs Dunne asked the Chief Minister, upon notice, on 20 August 2002:

In relation to ministerial councils:

(1) What ministerial councils do your ministers belong to.

(2) What meetings of these councils have been held since you took office and where were they held.

(3) What meetings were attended.

(4) What meetings were not attended.

(5) What meetings are scheduled in the next six months.

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

A complete list of ministerial councils, including ACT ministerial portfolio responsibilities is at Attachment A. The list has been derived from the *Commonwealth-State Ministerial Councils - A Compendium*, updated by the Commonwealth Department of Prime Minister and Cabinet in June this year.

The table at Attachment B provides details of:

- those ministerial councils that have been held since I took office;
- details of attendance at those meetings;
- the location of the meetings; and
- advice on those councils that are scheduled to meet in the next six months.

Please note that the Premiers' Conference has not been listed as the *Commonwealth State Ministerial Councils - A Compendium* indicates that "with the establishment of the Ministerial Council for Commonwealth-State Financial Relations, under the Intergovernmental Agreement on the Reform of Commonwealth-State Relations, it is envisaged that there will be less, if any, need for Premiers' Conferences".

ATTACHMENT A

HEADS OF GOVERNMENT MEETINGS AND MINISTERIAL COUNCIL MEMBERSHIP

Mr Stanhope (Chief Minister, Attorney General, Minister for Health, Community Affairs, Women)

1. Council of Australian Governments (Heads of Government meeting)

2. Treaties Council (Heads of Government meeting)

3. Commonwealth/State Ministers' Conference on the Status of Women

4. Ministerial Council of Immigration and Multicultural Affairs

5. Ministerial Council of Aboriginal and Torres Strait Islander Affairs

6. Ministerial Council of Attorneys-General
Consisting of:
- Standing Committee of Attorneys-General (SCAG); and
- Ministerial Council for Corporations.

7. Ministerial Council on Consumer Affairs

8. Online Council

9. Gene Technology Council

Mr Quinlan (Deputy Chief Minister, Treasurer, Minister for Economic Development, Business & Tourism, Sport, Racing & Gaming, Police, Emergency Services and Corrections)

1. Ministerial Council for Commonwealth-State Financial Relations (Treasurer's Conference)

2. Ministerial Council on Gambling

3. Small Business Ministerial Council

4. Tourism Ministers' Council (TMC)

5. Sport and Recreation Ministers' Council (SRMC)

6. Ministerial Council on Energy

7. Australian Procurement and Construction Council (APCC)

8. Regional Development Council

9. Industry and Technology Ministers' Council

10. Australia and New Zealand Crime Prevention Ministerial Forum

11. Australian Loan Council (Heads of government meeting)

12. National Electricity Market Minister's Forum

Mr Wood (Minister for Urban and Community Services, Arts)

1. Australian Transport Council (ATC)

2. National Environment Protection and Heritage Council

3. Cultural Ministers' Council

4. Primary Industries Ministerial Council

5. Murray-Darling Basin Ministerial Council

6. Ministerial Council on Mineral and Petroleum Resources

7. Natural Resource Management Council

8. Housing Ministers' Conference

Mr Corbell (Minister for Education, Youth and Family Services, Planning, Industrial Relations)

1. Workplace Relations Ministers' Council

2. Local Government and Planning Ministers' Council

3. Ministerial Council on the Australian National Training Authority (ANTA)

4. Ministerial Council on Employment, Education, Training and Youth Affairs (MCETYA)

DUAL MEMBERSHIP OF COUNCILS/COMMITTEES

Mr Stanhope and Mr Quinlan

1. Ministerial Council on the Administration of Justice
Consisting of -

• Australasian Police Ministers' Council;
• Inter-Governmental Committee of the National Crime Authority (NCA) and
• Corrective Services Ministers' Conference
(representatives as Attorney-General and Minister for Police, Emergency Services and Corrections)

2. Ministerial Council on Drug Strategy (MCDS)
(representatives as Minister for Health and Minister for Police, Emergency Services and Corrections)

Mr Stanhope, Mr Corbell and Mr Wood

1. Health and Community Services Ministerial Council (HCSMC)
Consisting of:

• Australian Health Ministers' Conference (AHMC) - Mr Stanhope
• Community Services Ministerial Council (CSMC) - Mr Wood and Corbell
• Australia New Zealand Food Regulation Council (ANZFRC) - Mr Stanhope
(representatives as Minister for Health, Minister for Disability, Housing and Community Services and Minister for Education, Youth and Family Services)

ATTACHMENT B

MINISTERIAL COUNCIL MEETINGS

Ministerial Council	Meetings held from 20.10.01 to 20.8.02	Attendance at previous meetings	Location of meetings	Meetings sche 21.8.02 to 21.2.03
Australasian Police Ministers' Council	28.11.01 17.07.02	Minister for Police, Emergency Services & Corrections Chief Executive, Department of Justice and Community Safety	Canberra Darwin	27.09.02 in Melbourne, and 5-6.11.02 in Alice Springs
Australia New Zealand Food Regulation Ministerial Council	24.5.02	Chief Minister	Sydney	TBA
Australian Health Ministers' Conference	25.10.01 5.4.02 23.4.02 19.7.02	Chief Executive, ACT Health Chief Executive, ACT Health Minister for Health Acting Minister for Health (Bill Wood)	Sydney Melbourne Canberra Darwin	29.11.02
Australian Loan Council (Heads of Government)	22.3.02	Treasurer	Canberra	March 2003
Australian Procurement and Construction Ministerial Council	14.6.02	Director, Procurement Solutions, Department of Treasury	Melbourne	None scheduled
Australian Transport Council	8.8.02	Minister for Urban Services	Auckland NZ	8.11.02
Commonwealth/State Ministers' Conference on the Status of Women	20.6.02	Chief Minister	Darwin	TBA
Community Services Ministerial Council (CSMC) - (meet once a year, normally in July or as required)	1.3.02 28.6.02	Minister for Education and Community Services Note: Mr Wood took on portfolio on 1.7.02	Melbourne Melbourne	30.7.03 in Perth
Corrective Services Minister's Conference	16.07.02	Director, ACT Corrective Services, Department of Justice and Community Safety	Darwin	TBA
Council of Australian Governments (CHICAGO) (Heads of Government meeting)	5.4.02	Chief Minister	Canberra	Possibly late November 2002
Cultural Ministers Council	1.5.02	Minister for Arts	Melbourne	None scheduled

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National Environmental Protection and Heritage Council	21.3.02 2.5.02	Minister for Urban Services Minister for Urban Services	Hobart Hobart	5.9.02 and 10.10.02
Gene Technology Ministerial Council	24.5.02	Minister for Health	Melbourne	14.11.02 - but only if required
Housing Ministers' Conference	19.4.02	Minister for Urban Services (as the Minister for Housing)	Sydney	25.10.02 in Hobart
Industry and Technology Ministers' Council	N/A	N/A	N/A	Tentatively set for late November
Inter-Governmental Committee of the National Crime Authority	27.11.01 17.07.02	Minister for Police, Emergency Services and Corrections Chief Executive, Department of Justice and Community Safety	Canberra Darwin	27.09.02 in Melbourne and 5-6.11.02 in Alice Springs
Local Government and Planning Minister's Council	This is a newly formed council and has not met as yet	Minister for Planning	N/A	TAB
Ministerial Council for Commonwealth-State Financial Relations - known as Treasurers' Conference	22.3.02	Treasurer	Canberra	March 2003
Ministerial Council for Corporations	25.7.02	Chief Minister	Cairns	7-8.11.02 in Freemantle
Ministerial Council of Aboriginal and Torres Strait Islander Affairs	15.3.02	Chief Minister	Sydney	27.9.02
Ministerial Council of Immigration and Multicultural Affairs	19.4.02	Executive Director, Multicultural and Community Affairs Group, Chief Minister's Department	Darwin	TAB
Ministerial Council on Consumer Affairs	2.8.02	Chief Executive, Department of Justice and Community Safety	Adelaide	TAB
Ministerial Council on Drug Strategy	18.7.02	Acting Minister for Health (Bill Wood)	Darwin	TAB

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Ministerial Council on Employment, Education, Training and Youth Affairs	7.6.02 18-19.7.02	Minister for Education, Youth and Family Services Minister for Education, Youth and Family Services	Brisbane Rotated through Capital Cities, Alice Springs and NZ	11.10.02
Ministerial Council on Energy	7.12.01 15.3.02	Treasurer Treasurer	Melbourne Melbourne	29.11.02
Ministerial Council on Gambling	N/A	N/A	N/A	2.10.02
Ministerial Council on Mineral and Petroleum Resources	4.3.02	Nil Attendance. ACT is a corresponding member only.	Melbourne	TAB
Ministerial Council on the Australian National Training Authority	24.5.02	Minister for Industrial Relations	Sydney	15.11.02 in Sydney
Murray-Darling Basin Ministerial Council Meeting	12.4.02	Minister for Urban Services	Corowa	1.11.02
The Australian and New Zealand Crime Prevention Ministerial Forum (last meeting 21.9.01)	N/A	N/A	N/A	Proposed meeting for early 2003. Actual date is yet to be confirmed.
National Electricity Market Ministers' Forum	7.12.01 15.3.02 19.7.02	Treasurer Director Economic Management, Department of Treasury Director Economic Management, Department of Treasury	Melbourne Melbourne Melbourne	25.10.02 (Subject to confirmation)
Natural Resource Management Council	21.3.02 2.5.02	Minister for Urban Services Minister for Urban Service	Hobart Hobart	6.9.02 and 11.10.02
Online Council	1.3.02	Chief Minister	Adelaide	TAB
Primary Industries Ministerial Council	21.3.02 2.5.02	Minister for Urban Services Minister for Urban Service	Hobart Hobart	5.9.02 and 10.10.02

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Regional Development Council	This is a newly formed council and has not met yet	N/A	N/A	2003 - TAB
Small Business Ministerial Council	3.7.02	Deputy Chief Minister	Sydney	TAB (annual meeting only)
Sport and Recreation Ministers' Council (SSMC)	23.08.02	Minister for Sport, Racing and Gaming	Melbourne	TAB
Standing Committee of Attorneys-General (SCAT)	8.3.02 25.7.02	Chief Minister Chief Minister	Sydney Cairns	7- 8.11.02 in Freemantle
Tourism Ministers' Council (INC)	26.7.01	Chief Executive, Canberra Tourism & Events Corporation	Brisbane	9.9.02 in NZ
Treaties Council (Heads of Government meeting)	No meetings held yet	N/A	N/A	TAB
Workplace Relations Ministers' Council	24.5.02	Senior Adviser, Minister for Industrial Relations' Office	Sydney	8.11.02

Rainbow mental health consumer facility (Question No 239)

Mr Stefaniak asked the Minister for Health, upon notice, on 21 August 2002:

In relation to The Rainbow Mental Health Consumer Facility in Watson:

(1) When was Rainbow established.
(2) How is Rainbow funded.
(3) What are the functions of Rainbow.
(4) How many staff are employed by Rainbow (i) full time and (ii) part time.
(5) Provide a copy of the duty statement for each staff member.
(6) Provide a Resume of each staff member.
(7) On which service model is Rainbow based.
(8) What protocols are in place for assessing Rainbow staff and their training needs.
(9) How many consumers have attended Rainbow since its inception.
(10) Give a breakdown of how many (i) male and (ii) female consumers have accessed Rainbow since its inception.
(11) How many consumers attend on a regular basis.
(12) Provide details of the education and training resources that are provided to its consumers.
(13) Provide details of any social activity programs available by Rainbow to its consumers.
(14) Provide details of protocols for psycho/social rehabilitation of its consumers.
(15) What mental health model is used to assess Rainbow's mental health consumers.
(16) Has (i) an independent or (ii) staff evaluation been carried out on the services provided by Rainbow to its consumers.
(17) Are any of the staff trained in First Aid.
(18) Are any of the staff trained in the taking of non-medical case histories of its consumers.
(19) Provide a copy of a model case history form.
(20) What protocols are in place for staff in the case of emergencies.
(21) What protocols are in place for the rehabilitation and employment of its consumers.
(22) What plans are there to open other Rainbow facilities around the ACT.

Mr Stanhope: The answer to the member's questions are:

In relation to The Rainbow Mental Health Consumer Facility in Watson:

1. When was Rainbow established?
The contract between The Mental Health Foundation and ACT Department of Health, Housing and Community Care began on 1 July 2001. The Foundation is the auspice body for the Rainbow. The Rainbow opened its doors on 14 November 2001.

2. How is Rainbow funded?
The Rainbow is a two-year pilot program funded through the Commonwealth National Mental Health Strategy funds, which are administered by the ACT Department of Health and Community Care.

3. What are the functions of Rainbow?
A. To provide a space to people affected by mental illness where they can be involved in social/recreational and vocational activities.
B. To improve social skills and community participation.
C. To provide a facility based on principles of friendliness, openness and self management.
D. To provide access and referral to other relevant organisations.

4. How many staff are employed by Rainbow (i) full time and (ii) part time?
One full-time manager and three part-time support workers.

5. Provide a copy of the duty statement for each staff member
See attachment A.

6. Provide a Resume of each staff member
Because of privacy considerations, these are unable to be provided. All staff were selected for the skills and experience that they bring to the work of the Rainbow.

7. On which service model is Rainbow based?
Rainbow is broadly based on a psychosocial rehabilitation model, and provides a supportive social setting to assist with social and living skills acquisition. This is similar to the "Clubhouse" model adopted in other jurisdictions and oversees. However unlike some of these, the Rainbow's "membership" remains open and is inclusive of new participants. Rainbow has avoided adopting a formal service model in order to remain flexible and responsive to the needs of members.

8. What protocols are in place for assessing Rainbow staff and their training needs?
The Mental Health Foundation carries out appraisals for each staff member every six months. Staff also have access to ongoing professional supervision. Training needs are assessed by The Mental Health Foundation.

9. How many consumers have attended Rainbow since its inception?
Rainbow currently has 230 members. As of 20 August 2002, The Rainbow has provided 3713 occasions of service to members and other mental health consumers.

10. Give a breakdown of how many (i) male and (ii) female consumers have accessed Rainbow since its inception
Membership is open to all people with a mental illness, and both women and men have become members. We constantly gain new members therefore male/female ratios vary at any one time. An analysis of the profile of consumers using the facility is being undertaken as a part of a formal evaluation process, but this data is not available at this time.

11. How many consumers attend on a regular basis?
The Rainbow averages 35 participants per day.

12. Provide details of the education and training resources that are provided to its consumers
The Rainbow currently runs courses in art, computers and cooking. The Rainbow also refers members to agencies that are specifically designed to cater for mental health consumers requiring education and training.

13. Provide details of any social activity programs available by Rainbow to its consumers
The program changes each month. The programs have included: Table tennis, pool, scrabble, tai chi, mural painting, garden workshops, art workshops, guitar for beginners, video night, walking group, movie appreciation, therapeutic laughter, weekend away to Eden, chess, sewing, calligraphy, yoga, trivia, quiz competition, bowling, zoo excursion, pottery, sewing, jewellery making, cooking, members participating in administration and other facility operations.

14. Provide details of protocols for psycho/social rehabilitation of its consumers.
The Rainbow provides psycho/social rehabilitation of consumers by meeting its contractual obligations, ie:
1) Promote positive images of people with Mental Illness.
2) Provide a facility that promotes the social and emotional wellbeing of people with a mental illness from a diverse range of backgrounds.
3) Enhance the vocational skills of people with a mental illness through the provision of vocationally orientated programs within the facility.
4) Provide access to a facility that is based upon the principles of openness, friendliness and self-management.
5) Provide a facility that is accessible and inclusive of a diverse range of people with a mental illness. Accessibility is increased through the identification of barriers for consumers and the implementation of strategies to improve access.

15. What mental health model is used to assess Rainbow's mental health consumers?
The Rainbow is a non-clinical environment and therefore the staff do not make any formal mental health assessments. Many Rainbow participants are involved with clinical services, and the staff facilitate contact where required.

16. Has (i) an independent or (ii) staff evaluation been carried out on the services provided by Rainbow to its consumers?
An ongoing process of evaluation of programs and services provided by The Rainbow is carried out by staff in conjunction with members in order to meet the needs of the members. An overall evaluation by an independent body is due to be carried out before end of contract in June 2003.

17. Are any of the staff trained in First Aid?
Two of the four staff hold a current St John's Senior First Aid Certificate. At least one staff member trained in first aid is present in the workplace at any time.

18. Are any of the staff trained in the taking of non-medical case histories of its consumers?
The Rainbow staff do not take case histories of individuals, as it is not a clinical service.

19. Provide a copy of a model case history form?
N/A

20. What protocols are in place for staff in the case of an emergency?
All staff are provided with duress alarms that are to be worn around the neck. These alarms are linked to the local police station and the Crisis Assessment Treatment Team. There are emergency evacuation procedures for the building as directed by

the landlord. The Australian Federal police have done a risk assessment on the premises and Rainbow staff have acted on their suggestions for change.

21. What protocols are in place for the rehabilitation and employment of its consumers?
One of Rainbow's main functions is to provide suitable vocational orientated programs to members. Any members interested in further training and employment are referred to the relevant employment and rehabilitation organisations for mentally ill people.

22. What plans are there to open other Rainbow facilities around the ACT?
Rainbow is a pilot program funded through the National Mental Health Strategy. There are no current plans to open other Rainbow type facilities. Further planning for the range of mental health rehabilitation facilities and services required in the ACT will take place in the context of the development of the ACT Mental Health Strategy and Action Plan, due to be finalised in early 2003, and will also depend on the outcome of the independent evaluation of the Rainbow.

Attachment A

Program Manager Duty Statement

1) Responsible within policy and budgetary guidelines to the MIFF Committee for the day to day operations of the consumer facility

2) Prepare policy papers on various aspects of the facility (including hours of operation, membership matters, budgets, activities and program evaluation) for consideration by the Facility Management Group and MIFF Committee

3) Liaise with facility members and other service providers to implement innovative programs in the facility

4) Responsible for the supervision of staff and volunteers

5) Attend Management Group meetings and, as required, Committee meetings of the Foundation.

Program Assistant Duty Statement

1) Promote the facility throughout the ACT to consumers and service providers

2) Prepare and distribute, as appropriate, documentation relating to the facility

3) Assist in the day to day activities of the facility

4) Assist in implementing innovative programs

Monterey apartments (Question No 241)

Mr Stefaniak asked the Minister for Disability, Housing and Community Services, upon notice, on 21 August 2002:

In relation to QON 206 - ACT Housing apartments at Monterey Apartments:

(1) Give the current rent and rebate breakdown down for each of the 15 apartments.

(2) Are any of the 15 apartments owned by ACT Housing and if so list the year and the purchase price of each apartment.

(3) , If the 15 apartments are not owned by ACT Housing, what are the leasing arrangements and list the real estate agency/agencies.

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

(1) ACT Housing does not provide details of individual tenants' rebates for privacy reasons. Market rents for the properties will rise to $240 with effect from 22 September 2002.

(2) The 15 properties are all owned by ACT Housing and were acquired in 1994 for a total price of $2.025m.

(3) Please see answer (2) above.

Sexual assault cases (Question No 244)

Mr Stefaniak asked the Attorney-General, upon notice, on 21 August 2002:

(1) How many sexual assault cases were heard in the ACT Supreme Court in 1999, 2000, 2001 and for the period 1 January - 30 June 2002.

(2) In each year, how many were convicted.

(3) For those convicted, what was the sentence.

(4) How many sexual assault cases were heard in the ACT Magistrates Court in 1999, 2000, 2001 and for the period 1 January - 30 June 2002.

(5) In each year, how many were convicted.

(6) For those convicted, what was the sentence.

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

(1) 1999 - 24 sexual assault cases were heard in the ACT Supreme Court.
2000 - 14 sexual assault cases were heard in the ACT Supreme Court.
2001 - 16 sexual assault cases were heard in the ACT Supreme Court.
2002 (to 30 June) - 6 sexual assault cases were heard in the Supreme Court.

(2) 1999 - 20 accused either entered a guilty plea or a finding of guilty was made. 2000 - 10 accused either entered a guilty plea or a finding of guilt was made.
2001 - 8 accused either entered a guilty plea or a finding of guilty was made.
2002 (to 30 June) - 3 accused entered a guilty plea or a finding of guilty was made. 2 matters heard in this period resulted in a hung jury. These matters were subsequently discontinued by the DPI.
(3) The information sought in respect of sentencing outcomes is being compiled in relation to a similar question asked by Mr Stefaniak recently with respect to all criminal matters. It is expected that the analysis will be complete in a further 3 weeks.
(4) 1999 - 45 sexual assault cases were heard in the ACT Magistrates Court
2000 - 25 sexual assault cases were heard in the ACT Magistrates Court
2001 - 39 sexual assault cases were heard in the ACT Magistrates Court
2002 (to 30 June) - 20 sexual assault cases were heard in the ACT Magistrates Court.
(5) In each of the 4 years in question, the ACT Magistrates Court disposed of the sexual assault cases as follows:

1999 (i) Convicted - 7
(ii) Acquitted - 8
(iii) No evidence to offer-6
(iv) Committed Supreme Court - 24

2000 (i) Convicted - 6
(ii) Acquitted - 1
(iii) No evidence to offer- 6
(iv) Committed Supreme Court - 12

2001 (i) Convicted - 4
(ii) Acquitted - 3
(iii) No evidence to offer - 8
(iv) Committed Supreme Court - 24

2002 (to 30 June)
(i) Convicted - 5
(ii) Acquitted - 0
(iii) No evidence to offer - 8
(iv) Committed Supreme Court - 7

(6) For those convicted the following sentences were imposed:

1999 (i) Bond and/or Suspended Sentence -4
(ii) Referred to Supreme Court for Sentence - 3

2000 (1) Sentence to Imprisonment - 5
(ii) Fine - 1

2001 (i) Sentence to Imprisonment - 1
(ii) Periodic Detention - 3

2002 (to 30 June)
(i) Bond and/or Suspended Sentence - 4
(ii) Referred to Supreme Court for sentence - 1

False or damaging allegations (Question No 246)

Mr Cornwell asked the Attorney-General, upon notice, on 21 August 2002:

(1) What action is proposed against the 13 year old girl who, as reported in the *Canberra Times* 12 August 2002, falsely accused a man of having sex with her;

(2) If no action is to be taken, why not;

(3) If no action is taken, what protection does the community have against such false or damaging allegations being made against anyone?

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

(1) No action is proposed at this time. The Director of Public Prosecutions (DPP) advises that on the material presently available, including material not available to the trial judge, he has formed a preliminary view that there would not be reasonable prospects of success in prosecuting the complainant for perjury.

(2) Actions for perjury are not commenced automatically as a result of an acquittal in criminal proceedings. The mere result of an acquittal or even a court disbelieving a complainant provides no certainty that the complaint was false or groundless.
For action to be taken, either a complaint would need to be made to the police, who could then investigate the allegation, or the court (or other tribunal) would refer the matter to the DPP for consideration. This process is important because the court or tribunal is in a good position to assess whether there is an issue of perjury that requires careful investigation and consideration. No complaint has been made to the DPP or to the Australian Federal Police in this case.
Although the judge expressed himself in strong terms, he did not make a finding that the complainant had lied nor did he refer the papers to the DPP for consideration of a prosecution as would usually happen if the judge considered the situation warranted action.

(3) All cases before the courts are subject to a rigorous screening process, particularly cases where sexual offences are charged. These include committal proceedings, full prosecution disclosure, professional assessment of cases by prosecutors and pre-trial procedures. These are designed to minimise the prosecution of false allegations and, for the most part, do so. However, it is not possible to protect against all such allegations.

Small business (Question No 247)

Mr Cornwell asked the Treasurer, upon notice, on 21 August 2002:

In relation to ACT Territory Owned Corporations:

(1) Is it accepted practice for publicly-owned bodies to compete against local small business.

(2) Why does Totalcare Industries Limited advertise in the Service Directory section of *The Chronicle* (Tues 30 July 2002) offering "competitive rates, prompt reliable and friendly service, no jobs too small or large" etc, for work including "blocked drains, hot water units, leaking taps, bathroom renovations" etc in direct competition with small and large private enterprise plumbing companies and individual plumbers.

(3) Why does ActewAGL Home Services advertise in the Service Directory section of *The Chronicle* (Tubs 13 August 2002) asking "Gas appliance not working?" and offering "fast, reliable" service and repair of all gas appliances in direct competition with private enterprise gasfitters.

(4) Are the "licensed tradesmen and women" who provide the services advertised by Totalcare and ActewAGL in *The Chronicle* employed as public servants, or are they contracted under outsourcing arrangements or some other system.

(5) Is the ACT Government committed to encouraging and maintaining a healthy private sector in the ACT.

(6) If so, how can this be achieved if the Government's own Corporations compete for jobs from the private sector.

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

(1) Territory Owned Corporations compete in the market place for the line of business for which the Corporation has been established. Territory Owned Corporations are set up to be commercial entities fully competing in their relevant markets. Specifically, the *Territory Owned Corporations Act 1990* provides for the following objective for corporations (section 7 refers):

"The principal objective of a Territory owned corporation is to carry on

business successfully and, to this end -

(a) to operate at least as efficiently as any comparable business; and

(b) to maximise the sustainable return to the Territory on its investment in the corporation in accordance with the performance targets contained in the latest statement of corporate intent of the corporation."

(2) The Facilities Management Business Unit of Totalcare is in the business of providing building services to a range of clients within the ACT. The pricing arrangements for this work are based on competitive neutral principles to ensure that Totalcare does not obtain an unfair advantage.

Totalcare actually ceased advertising several months ago, but *The Chronicle* continued to run the advertisement. The intent behind the original decision to advertise was to lift productivity, maintain skills of trades people and enhance the cost effective delivery of the 24 hour service to existing clients.

(3) The provision of gas maintenance services is a core business for ActewAGL and the performance of these services is consistent with the original intent when actual was formed. The pricing arrangements for this work are based on competitive neutral principles to ensure that ActewAGL does not obtain an unfair advantage.

(4) Different arrangements apply at Totalcare and ActewAGL:

ActewAGL These services have been outsourced. In February 2002 ActewAGL advertised for expressions of interest for ActewAGL Home Services from licenced gas appliance technicians and electricians, with a view to setting up franchises. Interviews were conducted in April and May with interested technicians. In June 2002, ActewAGL Home Services commenced business with five local gas technicians. These technicians operate under a Licensee Agreement, with the arrangement allowing the technicians to also conduct their own businesses.

Totalcare: The people performing the building maintenance services are a mixture of:

a) trades staff transferred to Totalcare in 1997 when the Works and Commercial Services function was transferred from Department of Urban Services. These people are public servants employed under the Public Sector Management Act;

b) trades staff employed directly by Totalcare; and

c) sub-contractors.

(5) The Government is committed to maintaining a healthy private sector and recognises that the ACT's long term growth is dependent on developing the private sector in the ACT.

(6) While the Government is committed to maintaining and growing a healthy private sector, it needs to be recognised that both Totalcare and ActewAGL are significant entities operating within the ACT markets and have been for a considerable number of years. The employment and economic impact of these entities on the ACT economy is very substantial.

H Division shires (Question No 248)

Mr Cornwell asked the Chief Minister, upon notice, on 21 August 2002:

In relation to your reply to Question on Notice 228:

(1) Does the Assembly send an observer to the quarterly meetings of H Division of the Local Government Shires Association held in Queanbeyan NSW.

(2) If so who is the observer.

(3) If not, why not

(4) Does the Government believe the attendance of an ACT observer strengthens the regional relationship between the ACT and surrounding NSW

(5) Will you be hosting meetings of the Regional Leaders' Forum as did your predecessors.

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

1. Neither the Government nor the Assembly sends an observer to the meetings of H Division of the Australian Local Government Shires Association held in Queanbeyan NSW.

2. Not Applicable.

3. This is a NSW Local Government Association and Member Councils include: Bega Valley, Bombala, Boorowa, Cooma-Monaro, Crookwell, Eurobodalla, Gunning, Harden, Mulwaree, Snowy River, Tallanganda, Yarrowlumla, Yass and Young Shire Councils. Goulburn and Queanbeyan City Councils are Associate Members.

Despite Legislative Assembly representation at H Division meetings in the past, the ACT is now not represented on the Local Government Shires Association. We consider having regular communication with the NSW Premier's Department and the NSW Department of State and Regional Development and hosting the Regional Leaders' Forum provides appropriate links between the ACT and region.

4. The ACT Government continues to strengthen regional ties through both the Regional Leaders' Forum (RLF) and supporting the Australian Capital Region Development Council (ACRDC). Attendance at H Division would duplicate rather than add to these regional ties.

5. I have and will continue to host meetings of the RLF three times a year. The RLF facilitates productive linkages between the Australian Capital Region and the NSW and Commonwealth Governments. Significant contributions continue to be made to the economic, business, environmental, social and cultural development of the Australian Capital Region.

Aboriginal tent embassy (Question No 249)

Mr Cornwell asked the Minister for Community Affairs, upon notice, on 21 August 2002:

In relation to the Aboriginal tent "embassy" opposite Old Parliament House:

(1) How many children are living at the site;

(2) (a) Who is responsible for child welfare at the site; (b) where do these children attend school and who oversees or checks that these children actually do attend school; (c) what level of truancy or accepted non attendance at school exists among children living at the site;

(3) What efforts are made and what processes are in place to ensure the environment is safe, secure and otherwise suitable for children;

(4) (a) Has there been evidence of drug use/abuse at the site and (b) who is responsible for dealing with this issue;

(5) If the answer to 4(a) is affirmative, what action has been taken to deal with this problem;

(6) How many people - adults and children - live at the site.

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

Questions (1) and (6) - I am unaware of the exact number of adults and children at the Aboriginal Tent Embassy. It is difficult to accurately estimate the number of people at the tent embassy at any one time. While I am advised that there are approximately six resident Aboriginal people, its numbers fluctuate with transient people visiting Canberra for rallies held at the Tent Embassy. This is because the Aboriginal Tent Embassy is recognised nationally as a site representing the political struggle for all Aboriginal and Torres Strait Islander people, and attracts many indigenous and non-indigenous people from many different communities to Canberra throughout the year.

Question (2)(a) - ACT Family Services provides child protection services across the ACT including National Land located within the Territory. This service is governed by the *Children and Young People Act 1999.* Child Protection appraisals are undertaken in situations where there are specific allegations of non-accident, significant harm or likelihood of significant harm to children up to the age of 18 years. Any allegations of harm to children should be forwarded to ACT Family Services for their action.

Question (2)(b) - I am unaware of which schools are attended by any children that may be at the Aboriginal Tent Embassy. I am advised that where concerns are raised about children not attending school, officers from the Department of Education, Youth and Family Services will investigate the circumstances with the child's parents or guardians.

Question (2)(c) - I am advised that the Department of Education, Youth and Family Services is unaware of the truancy of any children that may be at the Aboriginal Tent Embassy.

Question 3 - See Question 2 above.

Question (4)(a) and (5) - I am unaware of any evidence of drug use or abuse at the Aboriginal Tent Embassy.

Question (4)(b) - The Australian Federal Police is responsible for policing of the parliamentary precinct. Therefore, I suggest you refer any drug related or criminal matter to the Australian Federal Police.

Housing—occupant debt (Question No 250)

Mr Cornwell asked the Minister for Disability, Housing and Community Services, upon notice, on 21 August 2002:

What is the total amount of occupant debt in ACT Housing Trust properties at 30 June 2002.

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

As of 30 June 2002, ACT Housing* occupant debt comprising rent and sundry debt was:

Rental Debt $ 656,879.06 **

Sundry Debt $ 329,186.66

TOTAL DEBT $ 986,065.72

Rent Payable Requirement $1,025,239.16

TOTAL $2,011,304.88***

Note:

* ACT Housing has not been known as the "ACT Housing Trust" since 1996.

** Excludes an amount of $1,025,239.16 which represents the requirement of current tenants to pay one weeks rent in advance which was raised on 30 June 2002.

*** If this amount was included the occupant debt as at 30 June 2002 would be $2,011,304.88.

Dental health service (Question No 251)

Mr Cornwell asked the Minister for Health, upon notice, on 21 August 2002:

In relation to the Government's dental health service, how many adults at 30 June 2002 are on the restorative waiting list.

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

At 30 June there were 2921 adults on the restorative waiting list.